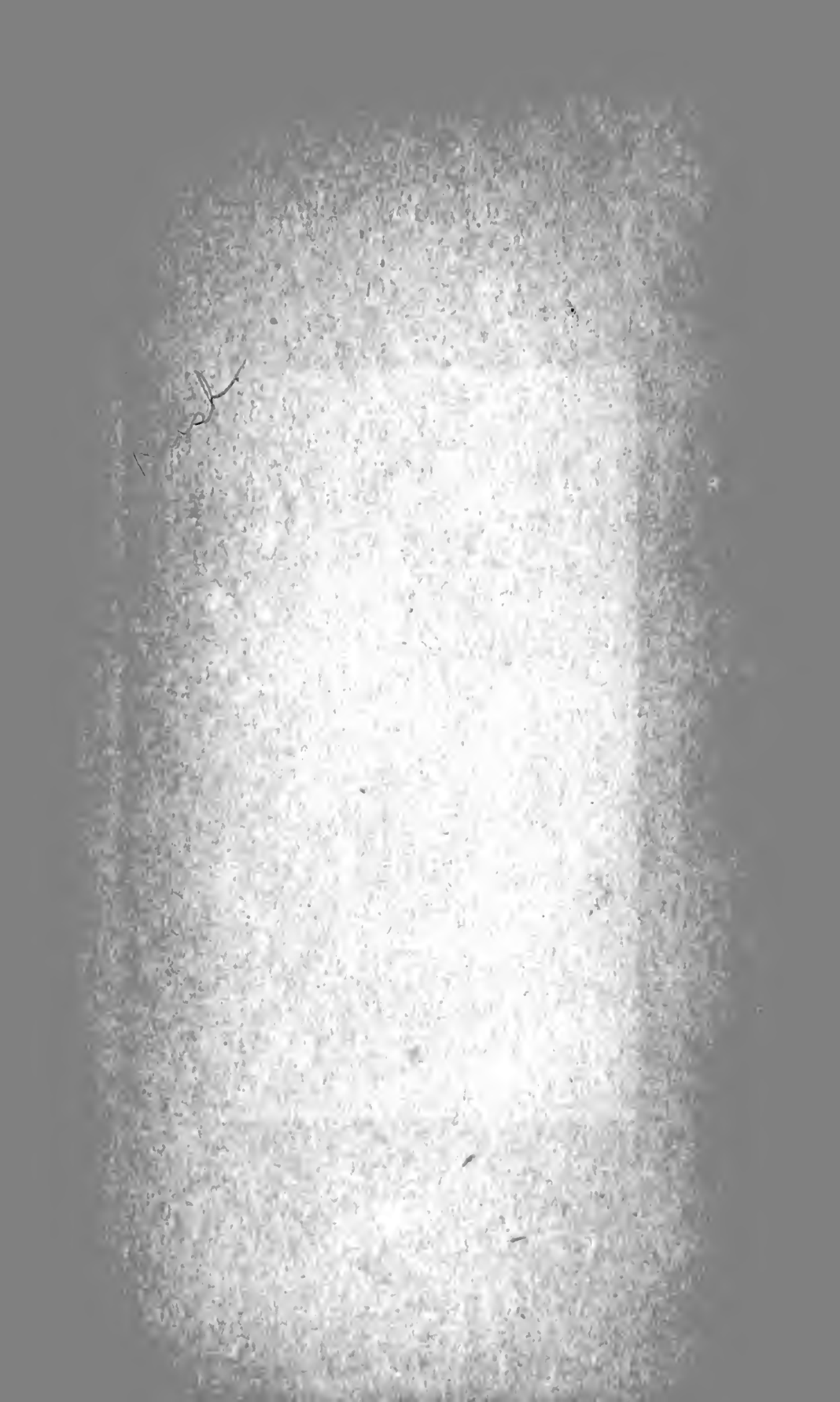
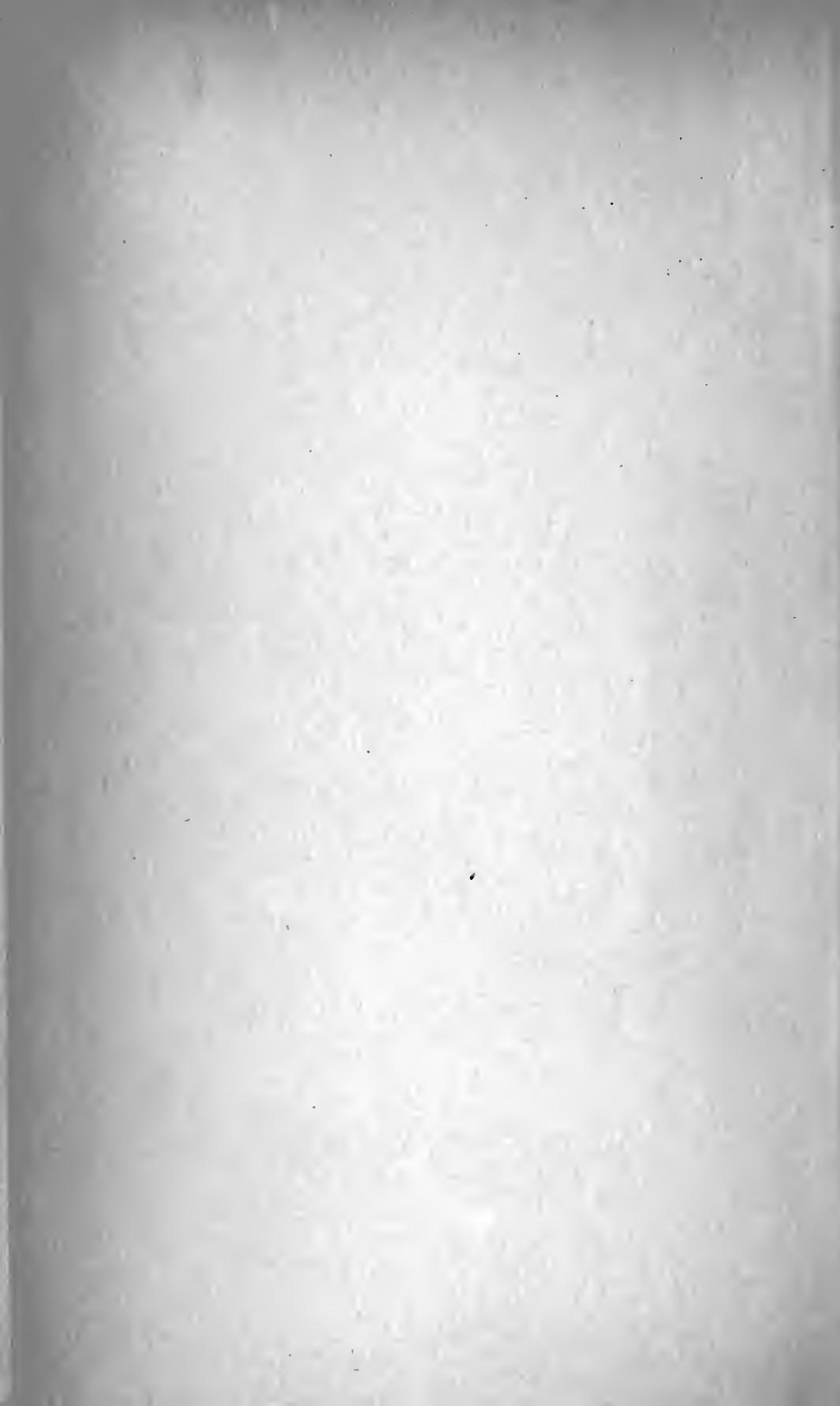


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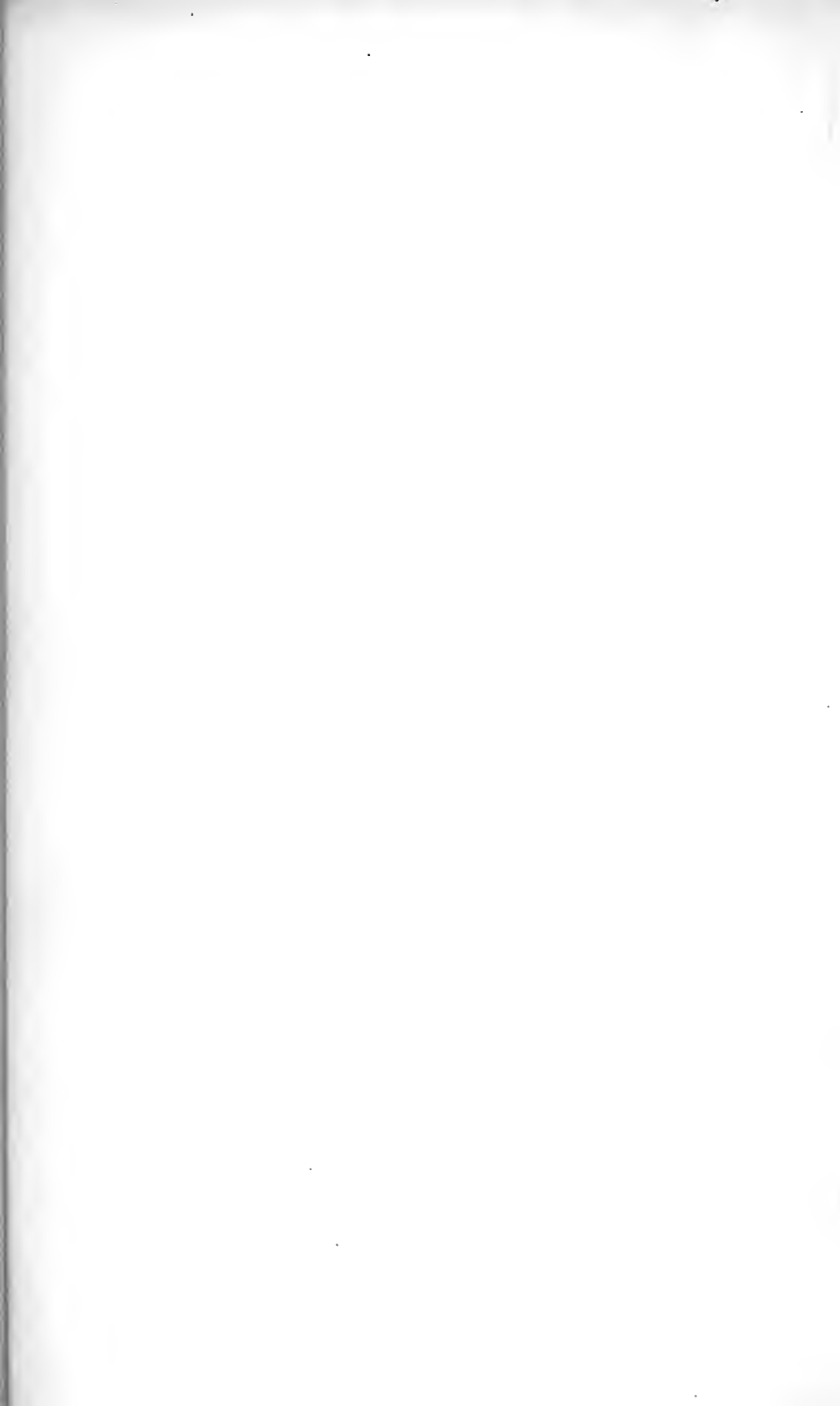
UNIVERSITY OF CALIFORNIA
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LONDON STATUTES.



LONDON STATUTES.

A COLLECTION OF PUBLIC ACTS RELATING SPECIALLY
TO THE ADMINISTRATIVE COUNTY OF LONDON AND OF
LOCAL AND PERSONAL ACTS AFFECTING THE POWERS
AND DUTIES OF THE LONDON COUNTY COUNCIL

FROM 1750 TO 1907.

PREPARED UNDER THE DIRECTION OF
THE PARLIAMENTARY COMMITTEE OF
THE LONDON COUNTY COUNCIL

BY

G. L. GOMME,

CLERK OF THE LONDON COUNTY COUNCIL.

AND

SEAGER BERRY,

SOLICITOR TO THE COUNCIL.

VOL I.—1750 to 1888.

1907.



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ADDENDA ET CORRIGENDA.

VOL. I.

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- 81, s. 1 of 10 Geo. 4, c. 44, is repealed from the word "although," line 11, p. 81, to the words "for any county," line 13, p. 81, by the Justices of the Peace Act 1906, s. 5 (2).
- 106, s. 7 of 3 & 4 Will. 4, c. 48, is repealed by 7 Edw. 7, c. 55, s. 6.
- 142, 2 & 3 Vict. c. 47, s. 60, add, "as regards London" after "rep." (line 6), and add after "142" (line 7), "and paragraph (4) is wholly repealed by the Removal of Offensive Matter Act 1906."
- 162, at end of s. 2 of 6 & 7 Vict. c. 86, add, "See also 7 Edw. 7, c. 55, ss. 3 and 6 (2)."
- 169, at end of s. 29 of 6 & 7 Vict. c. 86, add, "See 7 Edw. 7, c. 55, s. 4."
- 183, add to footnote, to 14 & 15 Vict. c. 28, "See also 4 Edw. 7, c. ccxlv, s. 47, and 7 Edw. 7, c. clxxv, s. 79."
- 241, 255, on ss. 171 and 242 of 18 & 19 Vict. c. 120, to "Commissioners of Sewers of the City of London," add a footnote, "Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897."
- 287, 290, ss. 7—12, 25—34, 37, 40, and 41 of 23 & 24 Vict. c. 125, are repealed by 5 Edw. 7, c. clv, s. 20.
- 399, after "Citizens of" in the first footnote insert "the City of."
- 438, s. 41 of 32 & 33 Vict. c. 102, is repealed from "within" (line 21) to "is received" (line 24) by 5 Edw. 7, c. cxliii, s. 24 (2).
- 442, at end of s. 5 of 32 & 33 Vict. c. 115, add, "See 7 Edw. 7, c. 55, s. 3."
- 444, at end of note on s. 9 (3) of 32 & 33 Vict. c. 115, add, "and 7 Edw. 7, c. 55, s. 1."
- 461, at end of s. 17 of 34 & 35 Vict. c. cxxix, add, "See also 6 Edw. 7, c. cl, s. 17 (3)."
- 462, ss. 20 & 32 of 34 & 35 Vict. c. cxxix, are repealed by 6 Edw. 7, c. cl, ss. 20 and 21 (1).
- 462, add to note on s. 31 of 34 & 35 Vict. c. cxxix., "and 6 Edw. 7, c. cl, s. 23."
- 480, ss. 57 and 58 of 35 & 36 Vict. c. clxiii, are repealed by 6 Edw. 7, c. cl, s. 21 (1).
- 518, the whole Act (40 & 41 Vict. c. 35) is repealed by 6 Edw. 7, c. 25, s. 23.
- 558, add footnote to 42 & 43 Vict. c. cxviii., "See also 7 Edw. 7, c. clxxv, part vi."
- 577—583, the whole Act (44 & 45 Vict. c. 34) is repealed by 6 Edw. 7, c. 25, s. 23.
- 668, add a footnote, "See Appendix," to "Disused Burial Grounds Act 1884" in s. 56 of 48 & 49 Vict. c. clxvii.
- 696—698, the whole Act (50 & 51 Vict. c. 32), except so much of s. 4 as amends the Disused Burial Grounds Act 1884, is repealed by 6 Edw. 7, c. 25, s. 23.
- 697, line 11, add note, "See Appendix," on "the Disused Burial Grounds Act 1884."
- 730, line 16, the words "other than the oath respecting the qualification by estate" in s. 2 (5) (b) of 51 & 52 Vict. c. 41, are repealed by the Justices of the Peace Act 1906, s. 5 (2).
- 753, in the footnote to s. 57 (3) of 51 & 52 Vict. c. 41, for "six months" read "six weeks."
- 759, at the end of s. 69 of 51 & 52 Vict. c. 41, add, "See also 7 Edw. 7, c. 43, s. 3."

APPENDIX.

- 831, at the end of s. 29 of 33 & 34 Vict. c. 78, add, "See also 7 Edw. 7, c. clxiv, s. 36."
- 837, at the end of the footnote on s. 46 of 33 & 34 Vict. c. 78, add, "And 7 Edw. 7, c. clxiv, s. 38."
- 838, at the end of the note on s. 48 of 33 & 34 Vict. c. 78, add, "And 7 Edw. 7, c. 55, s. 5."
- 906, on 48 & 49 Vict. c. 34, add a footnote, "See 7 Edw. 7, c. clxxi, s. 13."
- 1051, on part ii. of 2 Edw. 7, c. 42, add a footnote, "See 7 Edw. 7, c. 43, ss. 1, 10, and 15."
- 1051, add to note on s. 2 of 2 Edw. 7, c. 42, "And 7 Edw. 7, c. 43, s. 4."

Addenda et Corrigenda.

Page

- 1052, on part iii. of 2 Edw. 7. c. 42, add a footnote, " See 7 Edw. 7, c. 43, ss. 1, 10, 11. and 13."
- 1058, add to note on s. 17 of 2 Edw. 7, c. 42, " See 7 Edw. 7, c. 43, s. 6."
- 1058, at the end of the note on s. 18 of 2 Edw. 7, c. 42, add, "and see 7 Edw. 7, c. 43, s. 5."
- 1058, add to note on s. 19 of 2 Edw. 7, c. 42, "See 7 Edw. 7, c. 43, ss. 3, 4 (2), and 8."
- 1059, the words "ordinarily resident in the area of the Council" in s. 23 (2) of 2 Edw. 7, c. 42. are repealed by 7 Edw. 7, c. 43, s. 12.

VOL. II.

- 13—14. the whole Act (53 & 54 Vict. c. 15) is repealed by 6 Edw. 7, c. 25, s. 23.
- 62, add to s. 48 of 54 & 55 Vict. c. 76, a note, "See 7 Edw. 7, c. clxxv. s. 78."
- 127, add as a footnote to part iv. of 54 & 55 Vict. c. ccvi., "This part of this Act is amended by 7 Edw. 7, c. clxxv. part viii."
- 137, add as a footnote to part vi. of 55 & 56 Vict. c. cccxxviii., "This part of this Act is amended by 7 Edw. 7, c. clxxv. part viii."
- 274, at the end of the note on s. 44 of 58 & 59 Vict. c. cxxvii., for "the Workmen's Compensation Acts 1897 and 1900," substitute "the Workmen's Compensation Act 1906."
- 297, at the end of s. 7 of 59 & 60 Vict. c. li., add, "See 7 Edw. 7, c. clxiv. s. 38."
- 354, the proviso to s. 2 (1) of 62 & 63 Vict. c. 14, is repealed by 7 Edw. 7, c. 33, s. 1 (2).
- 411, at the end of s. 12 of 63 & 64 Vict. c. cccxxviii. add, "See also 7 Edw. 7, c. clxiv. s. 37."
- 439, at the end of s. 42 of 63 & 64 Vict. c. cclxx., add, "See also 7 Edw. 7, c. clxiv. s. 38."
- 449, at the end of s. 12 of 1 Edw. 7, c. cclxxi., add, "and also 7 Edw. 7, c. clxiv. s. 39."
- 468, at the end of s. 15 (6) of 2 Edw. 7, c. 41, add, "Rep. in part 7 Edw. 7, c. clxxi. s. 34. Remainder spent."
- 469, the words "within three years after the appointed day" in s. 15 (7) of 2 Edw. 7, c. 41, are repealed by 7 Edw. 7, c. clxxi. s. 34.
- 483, add to footnote on 2 Edw. 7, c. xxxvi., "and 7 Edw. 7, c. clxxv. s. 77."
- 496, add to footnote on part ix. of 2 Edw. 7, c. clxxiii., "and 7 Edw. 7, c. clxxv. s. 79."

PREFACE.

It is now nearly ten years since several of the governing bodies of London represented to the London County Council the advisability of codifying and consolidating the Acts relating to the local government of London.

Mr. G. H. Radford, M.P., who was then Chairman of the Parliamentary Committee of the Council, took a keen interest in these representations, and the Council on the 3rd July 1900, on his motion, referred the matter to the General Purposes Committee, and several conferences were held between the two Committees on this reference.

The Committees came to the conclusion that, before codification of the London statutes was attempted, the public and private Acts relating to London local government should be so collated as to show the existing law : and they were also impressed with the fact that the many private Acts of the Metropolitan Board of Works and of the Council were not accessible in a convenient form.

The Council accordingly, on 4th February 1902, decided, on the recommendation of the General Purposes Committee, that the public and private Acts of Parliament relating to the work of the Council should be collated and printed. The preparation of the work was placed under the direction of the Parliamentary Committee, and carried out by the Clerk of the Council in the Parliamentary branch of his department, under the direct supervision of Mr. Seager Berry, then Parliamentary Officer.

To decide exactly what Acts the work should comprise involved long and careful consideration, and it was ultimately decided that all public Acts relating specially to the administrative county of London, and all local and personal Acts affecting the powers and duties of the Council, should be included therein : but that, generally speaking, Acts relating to railways, gas, water, electricity, markets, docks, canals, tramways, ecclesiastical matters, and charities, and Acts which were special to the city of London, should be omitted on the grounds that many of these matters would be more conveniently dealt with in separate works, if so desired, and that their inclusion in the present work would make it too voluminous.

The Committee had the advantage of the presence on the

sub-committee who supervised the work of Lord Welby, G.C.B. (a member of the Statute Law Revision Committee), Sir Melvill Beachcroft, Mr. G. H. Radford, M.P., and Mr. T. B. Napier, M.P.

Mr. Albert Gray, K.C. (another member of the Statute Law Revision Committee), at the Committee's request kindly gave them some valuable suggestions as to the form the volumes should take.

The general principle on which the volumes have been compiled is, following the method adopted in the Revised Statutes, to omit from the reprint of the Acts all repealed, obsolete, and superseded provisions, inserting a note as to what these provisions were, and how they come to be repealed, obsolete, or superseded as the case may be. Parts of Acts, however, descriptive of public works, such as street improvements and Thames tunnels, have been printed *in extenso*, as future reference to them may often be necessary, although the works have been completed.

For brevity's sake the enacting words of each Act have been omitted and sections which might be termed "common form" sections, and which are frequently identical or nearly identical in series of Acts of the same character, have not been on each occasion reproduced, but there is set against the number of each section a brief note of the subject matter, with a reference to the preceding identical or nearly identical section, and showing, in the latter case the slight difference of wording.

For the same reason the Council's Money Acts, each of which is in turn almost entirely superseded by the Money Act of the following year, have been printed in a very condensed form.

During the preparation of the work it became evident that there were many Acts which did not strictly come within its original scope, but which were frequently referred to in the Acts being dealt with, and it was, therefore, decided to add a short Appendix, containing the principal Acts referred to in the Acts primarily included; and it is believed that this Appendix adds considerably to the value of the volumes. It was also thought that it would be of assistance to add, as has been done, a Chronological Table of the Statutes specially relating to London which were passed from 1700 to 1907 (inclusive), with notes showing repeals and amendments of such Acts.

It is desired to acknowledge the valuable help obtained from well-known books of reference, such as Chitty's Statutes, the Revised Statutes, Mr. Macmorran's "Local Government Acts," Mr. John Hunt's "London Local Government," Messrs. Michael and Will's "Gas and Water Acts," and the "Law of Public Education," by Messrs. Edwardes Jones and Sykes.

The work has been upwards of five years in preparation—a period which may not be considered excessive, having regard to its magnitude, and to the fact that it has had to be mainly produced in such spare time as could be devoted to it by a busy staff, who, indeed, have gladly given up many hours of their own time in order to further its progress.

During this period there have been, as might be expected, repeals of matter which was already in print. These repeals are dealt with in the table of *Addenda et Corrigenda*, which appears in the preliminary pages of the first volume.

Although every care has been taken to make the work as accurate as possible, it can hardly be expected that no errors have crept into it.

The Clerk of the Council desires to say that he will be grateful to any readers who may be good enough to communicate to him errors which they may discover.

It is believed that these volumes, with the aid of the Index (which has been a matter of special consideration), may, at any rate, serve the purpose of placing before members of the Council, and any of the public who may be interested in such matters, a great deal of the law relating to London, particularly the law contained in private Acts, in a more accessible and convenient form than they have hitherto been able to find it.

It is hoped that, if this work is found to be of value, it may be practicable to keep it up to date by the issue of annual volumes, which would include notes of any future repeals and amendments of the Acts contained in this work.

Mr. O. T. Williams, B.A. (Lond.), of the Middle Temple, Barrister-at-Law, has assisted most materially in the preparation of the work. Mr. Seager Berry, on his appointment as Solicitor to the Council, continued to edit and superintend the volumes and to see them through the press.

G. L. GOMME, *Clerk of the Council.*

SEAGER BERRY, *Solicitor to the Council.*



CHRONOLOGICAL TABLE OF STATUTES RELATING SPECIALLY TO LONDON FROM 1700 TO 1907

NOTE.—*The repeals, etc. of Acts set out in this work are noted thereon and are not noted in this table.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
12 & 13 Will. 3 (1700-1)		
c. 7	British Museum (Cottonian Library).	
c. 13	Greenwich Hospital.	
c. 20 (Priv.)	City of London (transfer of certain lands).	
c. 26 (Priv.)	Road from Chancery Lane to Lincoln's Inn Fields.	
1 Ann (1702)		
sess. 1, c. 26	Port of London.	
c. 46 (Priv.)	Suffolk Place, Southwark (improvements).	
Sess. 2, c. 6	Escapes from Queen's Bench and Fleet Prisons	Rep. in part 50 & 51 Viet. c. 59 (S.L.R.); 51 & 52 Viet. c. 3 (S.L.R.); 56 & 57 Viet. c. 61.
c. 12	St. Paul's Cathedral, London.	
c. 7 (Priv.)	Road from Chancery Lane to Lincoln's Inn Fields.	
c. 21 (Priv.)	St. Martin-in-the-Fields (poor, etc.).	
2 & 3 Ann (1703)		
c. 31 (Priv.)	Lincoln's Inn Fields (building leases).	
4 Ann (1705)		
c. 24	Thames watermen	Rep. 7 & 8 Geo. 4, c. lxxv.
5 Ann (1706)		
c. 9	Escapes from Queen's Bench and Fleet Prisons	Rep. in part 50 & 51 Viet. c. 55; 50 & 51 Viet. c. 59 (S.L.R.).
c. 12	Enlarging the passage to New Palace Yard through the Gatehouse.	
c. 30	British Museum.	
c. 26 (Priv.).	Chelsea College.	
6 Ann (1706-7)		
c. 16	City of London (brokers)	Rep. in part 57 Geo. 3, c. lx.; 30 & 31 Viet. c. 59 (S.L.R.); 50 & 51 Viet. c. 59 (S.L.R.).
7 Ann (1708)		
c. 6	Smithfield Market	Rep. 30 & 31 Viet. c. 59 (S.L.R.).
c. 9	City of London (Commissioners of Sowers).	
c. 20	Middlesex Registry	Rep. in part 24 & 25 Viet. c. 95; 50 & 51 Viet. c. 59 (S.L.R.); 54 & 55 Viet. c. 64; remainder rep. 63 & 64 Viet. c. 26.
9 Ann (1710)		
c. 22	Building of 50 churches in London and Westminster (duties on coal).	
c. 26	Thames fishery	Rep. 31 & 32 Viet. c. 45.
c. 16 (Priv.)	Stepney Church (advowson).	

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
9 Ann (1710) (<i>cont.</i>)		
c. 27 (Priv.)	Vesting of certain land adjoining Piccadilly in trustees, to discharge a debt to the Crown.	
10 Ann (1711)		
c. 11	Building of 50 churches in London and Westminster (extension of time).	
c. 17	Greenwich Hospital	Rep. 4 & 5 Will. 4, c. 34.
12 Ann (1712)		
c. 17	Building of 50 churches in London and Westminster (vesting portion of the Strand in the Commissioners).	
c. 1 (Priv.)	St. Leonard, Shoreditch (repairing highway)	Rep. 29 Geo. 3, c. 96 (Priv.).
Sess. 2, c. 17	Thames navigation	Rep. in part 34 & 35 Vict. c. 59- (S.L.R.).
1 Geo. 1, sess. 2 (1714-6)		
c. 18	Billingsgate Market	Rep. 31 & 32 Vict. c. 45.
c. 23	Ministers of the 50 new churches in London and Westminster.	
c. 57	Hackney coaches (London and Westminster)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 25 (Priv.)	Repairing the highways between Tyburn and Uxbridge	Rep. 7 Geo. 4, c. lxxvi.
c. 37 (Priv.)	St. Leonard, Shoreditch (repairing highway)	Rep. 29 Geo. 3, c. 96 (Priv.).
3 Geo. 1 (1716-7)		
c. 4 (Priv.)	Repairing the highways between Highgate and Hampstead.	
c. 5 (Priv.)	St. Mary, Rotherhithe (parish church).	
c. 14 (Priv.)	Kensington (repairing highways).	
4 Geo. 1 (1717-8)		
c. 5	St. Michael, Cornhill (parish church).	
c. 14	Building of 50 new churches in London and Westminster.	
c. 4 (Priv.)	Amending the roads from the City of London to East Grinstead and to Kingston	} Rep. 25 Geo. 3, c. 117.
c. 5 (Priv.)	Repairing the highways from Kent Street to Lewisham	
5 Geo. 1 (1718-9)		
c. 26	Keeping of gunpowder (London and Westminster)	Rep. 11 Geo. 3, c. 35.
c. 14 (Priv.)	City of London (agreement with the governors of the schools founded by Erasmus Smith).	
6 Geo. 1 (1719-20)		
c. 6	Carriage of meal (London and Westminster)	Rep. in part 11 Geo. 3, c. 51; 5 & 6 Will. 4, c. 50.
c. 26	Repairing the highways from Kent Street to Lewisham	Rep. 25 Geo. 3, c. 117.
c. 30 (Priv.)	Manor of Fulham (exchange of lands).	
c. 32 (Priv.)	St. Martin-in-the-Fields (rebuilding church)	Rep. Westminster Order in Council 1901.

Year, statute and chapter.	Subject matter.	Repeals, etc.
7 Geo. 1 (1720-1) c. 13	Journeymen tailors (London) ..	Rep. 6 Geo. 4, c. 129; 38 & 39 Vict. c. 86.
c. 26	Marylebone Road	Rep. 7 Geo. 4, c. cxlii.
c. 32	St. Leonard, Shoreditch (repair- ing highway)	Rep. 29 Geo. 3, c. 96 (Priv.).
8 Geo. 1 (1721-2) cc. 3 and 5	Repairing the highways between Highgate and Hampstead.	
c. 26	City of Westminster (supply of water).	
c. 29	Charterhouse.	
c. 30	Whitechapel (repairing road to Shenfield)	Discontinued 29 & 30 Vict. c. 105.
c. 31	All Saints', Barking (vesting Wool- key in the City of London).	
9 Geo. 1 (1722-3) c. 28	The mint in Southwark	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
10 Geo. 1 (1723-4) c. 6	Kensington (repairing highways).	
c. 13	Repairing the roads from South- wark to East Grinstead and to Kingston, etc.	Rep. 25 Geo. 3, c. 117.
c. 20	Examination of drugs (London) ..	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 4 (Priv.)	St. Martin-in-the-Fields (parish church).	
c. 5 (Priv.)	St. Botolph's, Bishopsgate (parish church).	
c. 8 (Priv.)	St. Clement Danes (power to grant leases).	
11 Geo. 1 (1724-5) c. 18	Elections within the City of London	Rep. in part 19 Geo. 2, c. 8; 19 & 20 Vict. c. 94; 34 & 35 Vict. c. 48; 50 & 51 Vict. c. xiii.
c. 22	Shelters in Wapping, Stepney, etc.	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 23	Keeping of gunpowder (London and Westminster)	Rep. 11 Geo. 3, c. 35.
c. 28	Mischiefs by fire (London and Westminster)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
12 Geo. 1 (1725-6) c. 17	Repairing the highways between Tyburn and Uxbridge	Rep. 7 Geo. 4, c. lxxvi.
c. 25	St. James's Square.	
c. 35	Brickmaking (London)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 36	Fulham and Putney Bridge ..	Rep. 26 & 27 Vict. c. cexi.
c. 37	Repairing roads in Kensington, Chelsea, and Fulham.	
* c. 39	St. Mary-le-Strand.	
c. 10 (Priv.)	Spring Garden, Great and Little Spittlefields (brickmaking).	
13 Geo. 1 (1726-7) c. 35	St. Katherine Cree (Christ) Church, London (parish church).	
1 Geo. 2, sess. 2 (1727-8) c. 15	Westminster (New Church, Mill- bank)	Rep. Westminster Order in Council. 1901.
c. 18	Fulham and Putney Bridge ..	Rep. 26 & 27 Vict. c. cexi.

Year, statute and chapter.	Subject matter.	Repeals, etc.
2 Geo. 2 (1728-9)		
c. 7	Greenwich Hospital	Rep. 4 & 5 Vict. c. 34.
c. 10	Hamlet of Spitalfields to be a distinct parish	Rep. Stepney Order in Council 1901.
c. 11	Westminster (paving and cleans- ing)	Expired.
c. 14	St. Leonards, Shoreditch (repair- ing roads)	Rep. 29 Geo. 3, c. xcvi.
c. 15	Brickmaking (London)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 26	Thames watermen	Rep. 7 & 8 Geo. 4, c. lxxv.
c. 30	Hamlet of Wapping to be a dis- tinct parish	Rep. Stepney Order in Council 1901.
c. 32	Warden of the Fleet Prison ..	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
3 Geo. 2 (1729-30)		
c. 3	St. Mary, Stratford, Bow (mainten- ance of minister).	
c. 17	Hamlet of Limehouse and part of the hamlet of Ratcliffe to be a distinct parish	Rep. Stepney Order in Council 1901.
c. 19	New Church, Bloomsbury Market; and rebuilding of St. Giles-in-the- Fields.	
c. 33	St. Nicholas, Deptford, to be a distinct parish	Rep. Deptford and Greenwich Orders in Council 1901.
4 Geo. 2 (1730-1)		
c. 24	Thames watermen	Rep. 7 & 8 Geo. 4, c. lxxv.
c. 30	Coal trade in the river Thames ..	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 33	Postage (London, Westminster and Southwark)	Rep. 7 Will. 4, and 1 Vict. c. 32.
c. 34	Repairing the road from Fulham to Hammersmith	Expired
5 Geo. 2 (1731-2)		
c. 4	Woolwich (rebuilding of parish church).	
c. 20	Thames navigation	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 8 (Priv.)	Hyde Park (vesting the conduits, springs and water in the Crown).	
c. 10 (Priv.)	Paddington (enlargement of the churchyard).	
6 Geo. 2 (1732-3)		
c. 8	St. George the Martyr, Southwark (rebuilding of parish church) ..	Rep. Bermondsey Order in Council 1901.
c. 11	Horslydown, Southwark (new church)	
c. 21	Old Street (new church)	Rep. Finsbury Order in Council 1901.
c. 22	Fleet Ditch (filling up part of the channel).	
c. 25	Application of surplus of fund for building 50 new churches in London and Westminster ..	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 29	Lastage and ballastage in the Thames	
8 Geo. 2 (1734-5)		Rep. 45 Geo. 3, c. cxviii.
c. 8	Repairing of Oxford Street ..	Rep. 7 Geo. 4, c. cxlii.
c. 15	St. James and St. George, Han- over Square (nightly watch and beadles)	Rep. Westminster Order in Council 1901.
c. 26	Lincoln's Inn Fields (rate for in- closing)	Rep. in part 57 & 58 Vict. c. clxxv.
c. 27	St. Leonard, Shoreditch (rebuild- ing parish church).	

Year, statute and chapter.	Subject matter.	Repeals, etc.
8 Geo. 2 (1734-5) (<i>cont.</i>)		
c. 28	Repairing highways between Highgate and Hampstead.	
c. 29	Greenwich Hospital	Rep. in part 16 Geo. 3, c. 24; 4 & 5 Will. 4, c. 34; 10 & 11 Vict. c. 21.
9 Geo. 2 (1735-6)		
c. 8	St. Martin-in-the-Fields (nightly watch and beadles)	Rep. Westminster Order in Council 1901.
c. 13	St. Paul, Covent Garden (nightly watch and beadles)	
c. 17	St. Margaret and St. John (nightly watch and beadles)	
c. 19	St. Anne (nightly watch and beadles)	
c. 20	City of London (better lighting the streets).	
c. 29	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
c. 39	Repairing highways between Highgate and Hampstead.	
10 Geo. 2 (1736-7)		
c. 15	Red Lion Square (paving, watching, etc.)	Rep. Holborn Order in Council 1901
c. 16	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
c. 18	St. Olave, Southwark (rebuilding of church).	
c. 22	City of London (nightly watch and beadles)	Rep. 11 Geo. 3, c. 29.
c. 23	Repairing roads (Westminster Ferry to New Cross)	Rep. 25 Geo. 3, c. 117.
c. 25	St. Andrew, Holborn (nightly watch and beadles)	Rep. Holborn Order in Council 1901.
c. 31	Thames watermen	Rep. 7 & 8 Geo. 4, c. lxxv.
c. 36	Repairing roads (Whitechapel to Shenfield)	Discontinued 29 & 30 Vict. c. 105.
c. 19 (Priv.)	St. Mary Woolnoth and St. Mary Woolchurch.	
11 Geo. 2 (1737-8)		
c. 12	Lastage and ballastage in the Thames	Expired. See 34 & 35 Vict. c. 116.
c. 13	St. Mary, Rotherhithe (rebuilding of church).	
c. 15	Sale of coal (Port of London).	
c. 23	St. Leonard, Shoreditch (rebuilding of church).	
c. 25	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
c. 29	Kingsland Road and Hackney Roads	Rep. 1 & 2 Geo. 4, c. cxii.
c. 30	Greenwich Hospital.	
c. 35	Christ Church (nightly watch and beadles)	Rep. 12 Geo. 3, c. 38.
c. 36	Repairing roads (Westminster Ferry to New Cross)	Rep. 25 Geo. 3, c. 117.
12 Geo. 2 (1738-9)		
c. 9	Woolwich Church.	
c. 17	St. Catharine Coleman, Fenchurch Street (rebuilding of the new church).	
c. 32	New River Company	See 2 Edw. 7, c. 41.
c. 33	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
13 Geo. 2 (1739-40)		
c. 16	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.

Year, statute and chapter.	Subject matter.	Repeals, etc.
14 Geo. 2 (1740-1)		
c. 10	Recovery of small debts in London	Rep. 5 & 6 Will. 4, c. xciv.
c. 16	Repairing roads in Kensington, Chelsea and Fulham.	
c. 27	St. Botolph-without-Aldgate (re- building of church).	
c. 40	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
15 Geo. 2 (1741-2)		
c. 9	Tyburn and Uxbridge Roads ..	Rep. 7 Geo. 4, c. lxxvi.
c. 12	St. Catharine Coleman, Fenchurch Street (rebuilding of church).	
c. 26	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
c. 32	Keeping of gunpowder (London and Westminster)	Rep. 11 Geo. 3, c. 35.
16 Geo. 2 (1742-3)		
c. 6	Charterhouse Square (paving, watching, etc.).	
c. 9	St. Botolph-without-Aldgate (re- lief of the poor).	
c. 12	London and Westminster (repeal of beer and ale duties).	
c. 28	Hamlet of Bethnal Green (to be a distinct parish)	Rep. Bethnal Green Order in Council 1901.
17 Geo. 2 (1743-4)		
c. 29	City of London (better lighting the streets)	Rep. 11 Geo. 3, c. 29.
c. 32	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
c. 41	St. Leonard, Shoreditch (repairing roads)	Rep. 29 Geo. 3, c. xcvi.
18 Geo. 2 (1744-5)		
c. 15	Surgeons and barbers of London..	Rep. in part 30 & 31 Vict. c. 59 (S.L.R.).
c. 21	Lastage and ballastage in the Thames	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 29	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
c. 31	Greenwich Hospital	Rep. 4 & 5 Will. 4, c. 34.
c. 33	London and Westminster (to pre- vent the misbehaviour of drivers)	Rep., except as to the City of London, 5 & 6 Will. 4, c. 50.
19 Geo. 2 (1745-6)		
c. 8	Common Council of the City of London (Election and Procedure)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 15	Bethnal Green (parish church and poor relief).	
c. 35	London and Westminster (vend and delivery of coal).	
20 Geo. 2 (1746-7)		
c. 24	Greenwich Hospital	Rep. 27 & 28 Vict. c. 23.
c. 29	St. James, Westminster (enlarge- ment of churchyard)	Rep. Westminster Order in Council 1901.
c. 33	St. Andrew, Holborn (additional burying-ground)	Rep. Holborn Order in Council 1901.
21 Geo. 2 (1747-8)		
c. 29	City of London (relief of orphans).	
c. 32	City of London (mystery of mer- cers).	
22 Geo. 2 (1748-9)		
c. 31	St. John, Southwark (new road from new street)	Spent.

Year, statute and chapter.	Subject matter.	Repeals, etc.
22 Geo. 2 (1748-9) (cont.)		
c. 47	Recovery of small debts in South- wark	Rep. in part 46 Geo. 3, c. lxxxvii., and 4 Geo. 4, c. cxxiii.; and see 9 & 10 Vict. c. 95.
c. 49	Fishmarket, Westminster ..	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 50	St. Leonard, Shoreditch (repair of highways)	Rep. Shoreditch Order in Council 1901.
c. 52	Greenwich Hospital	Rep. in part 16 Geo. 3, c. 24.
c. 21 (Priv.)	London House, St. James's Square.	
23 Geo. 2 (1749-50)		
c. 10	Repairing the road from Fulham to Hammersmith	Expired.
c. 14	Site for a market at Westminster.	
c. 18	St. John, Southwark (lighting and watching).	
c. 26	London and Westminster (vend and delivery of coal)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 27	Recovery of small debts within Westminster	Semble rep. 9 & 10 Vict. c. 95.
c. 30	Recovery of small debts within Tower Hamlets	
c. 33	Recovery of small debts in the county court of Middlesex ..	
c. 35	St. Martin-in-the-Fields (relief of the poor, etc.)	Rep. Westminster Order in Council 1901
c. 36	St. George the Martyr, Southwark (Stipend of rector)	Rep. 47 Geo. 3, c. cxxxii.
24 Geo. 2 (1750-1)		
c. 8	Thames navigation	Rep. 57 & 58 Vict. c. elxxxvii.
c. 14	City of London (mystery of Mercers).	
c. 15	St. Mary, Islington (rebuilding of church).	
c. 26	St. Matthew, Bethnal Green (lighting and cleansing)	Rep. 6 & 7 Vict. c. xxxiv.
c. 27	Golden Square (paving, lighting, etc.)	Rep. 7 & 8 Geo. 4, c. xlv.
c. 40	St. Mary le bon (to be under the inspection of the head office of Excise)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 42	Recovery of small debts within Westminster	Semble rep. 9 & 10 Vict. c. 95.
c. 43	City of London (prevention of mischief by drivers).	
c. 48	City of London (Lord Mayor).	
c. 58	Making and maintenance of roads in Lambeth, Newington, South- wark, Bermondsey, and Lewisham.	
25 Geo. 2 (1751-2)		
c. 7	City of London (mystery of Mer- cers).	
c. 11	East Greenwich (right to bury under the church).	
c. 23	St. Margaret and St. John, West- minster (relief of the poor) ..	Rep. Westminster Order in Council 1901.
c. 30	City of London (Lord Mayor).	
c. 36	Disorderly Houses	Rep. in part 30 & 31 Vict. c. 59 (S.L.R.).
c. 42	Greenwich Hospital.	
c. 51	Repairing roads in Southwark, St. Mary, Newington	Rep. 25 Geo. 3, c. 117.
26 Geo. 2 (1753)		
c. 12	Port of London (Customs) ..	Rep. 30 & 31 Vict. c. 59 (S.L.R.).

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Year, statute and chapter.	Subject matter.	Repeals, etc.
26 Geo. 2 (1753) (<i>cont.</i>)		
c. 22	British Museum (purchase of Sloane and Harleian collection) ..	Rep. in part 30 & 31 Vict. c. 59 (S.L.R.).
c. 43	Paddington (enlargement of the churchyard).	
c. 55	Kingsland Road and Hackney Road	Rep. 1 & 2 Geo. 4, c. cxii.
c. 80	Repairing roads between Highgate and Hampstead.	
c. 87	Repairing Old Street, etc.	Rep. 7 Geo. 4x. c. clii.
c. 94	St. Botolph without Aldersgate (repair of church).	
c. 97	St. George's, Hanover Square (relief of the poor).	
c. 98	Christchurch, Middlesex (erecting a workhouse, and the relief of the poor)	Rep. Stepney Order in Council 1901.
c. 100	East Greenwich (relief of the poor).	Rep. 9 Geo. 4, c. xliii.
c. 101	New street from King Street to Delahay Street, Westminster.	
27 Geo. 2 (1753-4)		
c. 16	British Museum.	
c. 17	Marshalsea (appointment of Marshal)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 25	St. Luke, Middlesex (cleansing, watching, etc).	Rep. 33 Geo. 3, c. lxxxiii.
c. 38	St. Nicholas, Deptford (relief of the poor, etc.)	Rep. 44 Geo. 3, c. liii. ; and Deptford Order in Council 1901.
c. 40	Commercial Road (extension, etc.).	Rep. 9 Geo. 4, c. cxii.
28 Geo. 2 (1754-5)		
c. 1	Chelsea Hospital	Rep. 10 & 11 Vict. c. 4.
c. 9	Forbidding the holding of any market in High Street, Southwark.	
c. 23	St. Saviour, Southwark (Borough Market).	
c. 37	St. Bartholomew the Great (nightly watch and beadles).	
c. 43	Thames ferry (Ratcliff and Rotherhithe).	
Sess. 2		
c. 3	British Museum (vesting Montague House in trustees).	
29 Geo. 2 (1755-6)		
c. 25	Westminster (government) ..	Rep. Court of Burgesses Scheme 1901.
c. 38	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
c. 39	Westminster Fish Market ..	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 40	London Bridge.	
c. 41	Hackney Road	Rep. 1 & 2 Geo. 4, c. cxii.
c. 42	St. Mary, Newington Butts (enlargement of cemetery).	
c. 43	Bethnal Green Road.	
c. 44	Old Street Road (repair of, etc.). ..	Rep. 7 Geo. 4, c. cxlii.
c. 53	St. Mary le Bone (nightly watch and beadles)	Rep. 8 Geo. 3, c. 46.
c. 63	Kensington (relief of the poor).	
c. 86	Blackfriars Bridge.	
c. 87	St. John Wapping, St. Paul Shadwell, Hamlet of Radcliffe, St. Ann Linthouse, and Well Close (nightly watch and beadles, etc.).	Rep. 50 Geo. 3, cc. lxxxiii. and ccviii. and Stepney Order in Council 1901.
c. 88	Marylebone Road	Rep. 1 & 2 Geo. 4, c. cx.

Year, statute and chapter.	Subject matter.	Repeals, etc.
29 Geo. 2 (1755-6) (cont.) c. 89	St. John Wapping (rebuilding parish church).	
c. 90	York Buildings and Water Gate, St. Martin in the Fields	See 56 & 57 Vict. c. lxxi.
30 Geo. 2 (1756-7) c. 21	Fishery (Thames and Medway) ..	Rep., so far as relates to the Thames, 57 & 58 Vict. c. clxxxvii.
c. 22	London and Westminster (to prevent the misbehaviour of drivers)	Rep. (except as to City of London) 5 & 6 Will. 4, c. 50.
c. 31	Borough Market, St. Saviour, Southwark.	
c. 34	Westminster Bridge	Rep. 16 & 17 Vict. c. 46.
c. 42	St. Luke, Middlesex (poor rates, etc.)	Rep. 48 Geo. 3, c. xevii.
c. 59	Lea Bridge (Jeremy's Ferry, etc.)	Rep. 7 Geo. 4, c. cxlii.
31 Geo. 2 (1757-8) c. 4	Somerset House	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 7	Somerset House	
c. 17	Westminster (government) ..	Rep. Court of Burgesses Scheme 1901.
c. 20	London Bridge.	
c. 23	Brixton (recovery of small debts)	Seemle rep. 9 & 10 Vict. c. 95.
c. 25	Westminster (market for corn and grain).	
c. 29	Making of bread	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 35	Vend and delivery of coal (London and Westminster)	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 36	The new passage from Charing Cross to St. James's Park ..	Rep. (except ss. 10 and 11) 30 & 31 Vict. c. 59 (S.L.R.).
c. 40	Hay and straw	Rep. 36 Geo. 3, c. 88.
c. 45	Bermondsey (poor rates)	Rep. Bermondsey Order in Council 1901.
c. 76	Thames navigation (relief of the coal-heavers)	Rep. 10 Geo. 3, c. 53.
32 Geo. 2 (1758-9) c. 6	Recovery of small debts (Southwark, Bermondsey, Lambeth, etc.)	Seemle rep. 9 & 10 Vict. c. 95.
c. 16	Lastage and ballastage in the Thames	Rep. 45 Geo. 3, c. xeviii.
c. 27	Vend and delivery of coal (London and Westminster)	Expired.
c. 49	Norton Folgate (lighting, cleansing, etc.)	Rep. 50 Geo. 3, c. v.
33 Geo. 2 (1759-60) c. 19	Greenwich Hospital	Rep. 27 & 28 Vict. c. 23.
c. 27	Sale of fish (London and Westminster)	Rep. 31 & 32 Vict. c. 45.
c. 30	Widening of streets in the City of London	Rep. 11 Geo. 3, c. 29.
c. 4 (Priv.)	Charterhouse (power to grant building leases).	
1 Geo. 3 (1760-1) c. 26	City Road	Rep. 5 Geo. 4, c. lxi.
2 Geo. 3 (1761-2) c. 15	Supply of fish (London and Westminster)	Rep. in part 42 Geo. 3, c. lxxxviii.; 31 & 32 Vict. c. 45; 51 Vict. c. 3 (S.L.R.).
c. 21	Westminster, St. Andrew's, Holborn, etc. (paving, cleansing, and lighting, etc.)	Rep. Holborn and Westminster Orders in Council 1901.

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Year, statute and chapter.	Subject matter.	Repeals, etc.
2 Geo. 3 (1761-2) (<i>cont.</i>)		
c. 28	Thefts upon the Thames	Rep. 2 & 3 Vict. c. 47.
c. 30	London Bridge.	
c. 58	St. James, Westminster (poor relief)	Rep. Westminster Order in Council 1901.
3 Geo. 3 (1762-3)		
c. 16	Greenwich Hospital	Rep. 10 Geo. 4, c. 26.
c. 23	Westminster, St. Andrew's, Holborn (paving, cleansing, and lighting, etc.)	Rep. Holborn and Westminster Orders in Council 1901.
c. 37	Repairing road from Highgate to Hampstead.	
c. 40	St. Matthew, Bethnal Green (poor)	Rep. Bethnal Green Order in Council 1901.
c. 50	Land in Paddington (vested in the Rector, etc., of St. George, Hanover Square)	Rep. in part Westminster Order in Council 1901.
c. 53	St. Mary, Whitechapel (poor, lighting, etc.)	Rep. 46 Geo. 3, c. lxxxix.
c. 58	Whitechapel (repairing and watching roads).	
4 Geo. 3 (1763-4)		
c. 14	Regulation of buildings	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 39	Westminster and St. Andrew's, Holborn	Rep. Holborn and Westminster Orders in Council 1901.
c. 43	St. John, Hackney (poor)	Rep. Hackney Order in Council 1901.
c. 50	The mystery of Mercers in the City of London.	
c. 54	Lambeth, Southwark, Bermondsey and Lewisham (repair of roads).	
c. 55	St. Clement Danes (watching and the poor)	Rep. Westminster Order in Council 1901.
c. 48 (Priv.)	Empowering Lord Spencer to make leases of the manors of Battersea and Wandsworth.	
5 Geo. 3 (1765)		
c. 8	Recovery of small debts (Blackheath, etc.)	Semble rep. 9 & 10 Vict. c. 95.
c. 13	Westminster (tolls for paving, etc., squares and streets)	Expired.
c. 50	Westminster and St. Andrew's, Holborn	Rep. Holborn and Westminster Orders in Council 1901.
c. 55	Allhallows in the Wall (rebuilding rectory, etc.).	
c. 91	St. Christopher (City), and widening certain streets.	
c. 103	Commercial Road	Rep. 9 Geo. 4, c. cxii
6 Geo. 3 (1766)		
c. 6	Recovery of small debts (Blackheath, etc.)	Semble rep. 9 & 10 Vict. c. 95.
c. 24	Bermondsey and Southwark (paving, lighting, etc.)	Rep. Bermondsey and Southwark Orders in Council.
c. 26	Paving, etc., streets in the city of London	Rep. 11 Geo. 3, c. 29.
c. 26	Widening of streets in the city of London.	
c. 35	Vend and delivery of coal (London and Westminster)	Expired.
c. 37	Regulation of buildings	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 54	St. George, Hanover Square (repairing roads)	Rep. in part 23 Geo. 3, cc. 43 and 90; 53 Geo. 3, c. xxxviii.; 59 Geo. 3, c. xxiii.

Year, statute and chapter.	Subject matter.	Repeals, etc.
6 Geo. 3 (1766) (<i>cont.</i>)		
c. 64	St. Botolph, Aldgate (poor).	
c. 66	Battersea Bridge.	
c. 74	St. Mary, Whitechapel (poor) ..	Rep. in part 16 & 17 Vict. c. cxli.
c. 75	Allhallows in the Wall.	
c. 100	St. Andrew, Holborn and St. George the Martyr (poor, cleans- ing, lighting, etc.)	Rep. 39 Geo. 3, c. xli.
c. 38 (Priv.)	Empowering the Dean and Chap- ter of Canterbury to grant leases of their estate in St. Olave, Southwark.	
c. 56 (Priv.)	Berkley Square (inclosing, paving, etc.).	
7 Geo. 3 (1767)		
c. 18	British Museum.	
c. 23	Admeasurement of coals in the city of London.	
c. 32	New passage to the House of Commons from St. Margaret's Lane to Old Palace Yard.	
c. 37	Blackfriars Bridge (rebuilding of Newgate and repairing the Royal Exchange).	
c. 44 (ss. 11-20)	Hackney carriages and coaches ..	Rep. 10 Geo. 3, c. 44; 33 Vict. c. 99.
c. 64	Bermondsey, Rotherhithe, and Deptford Roads	Semble spent.
c. 74	St. Mary, Rotherhithe (completion of church)	Semble spent.
c. 85	St. Botolph, Aldgate, and Precinct of St. Katharine (paving, cleans- ing, lighting, etc.)	Rep. 47 Geo. 3, c. xxxviii.
c. 88	Repairing road from Kensington to Brentford	Rep. 7 Geo. 4, c. cxlii.
c. 101	Repairing roads in Kensington, Chelsea and Fulham	Rep. 35 Geo. 3, c. 142.
c. 102	Tyburn and Uxbridge roads ..	Rep. 7 Geo. 4, c. lxxvi.
c. 105	Bethnal Green road.	
8 Geo. 3 (1768)		
c. 17	Journeymen tailors (London) ..	Rep. 6 Geo. 4, c. 129.
c. 21	Paving, cleansing, etc., streets in the city of London	Rep. 11 Geo. 3, c. 29.
c. 32	Excise office on Gresham College site.	
c. 33	St. Leonard, Shoreditch (paving, etc., streets).	
c. 46	St. Marylebone (lighting, paving, etc.)	Rep. 35 Geo. 3, c. 73.
c. 32 (Priv.)	Vesting the manor of Abbots, Kensington, in trust to sell to Lord Holland.	
c. 34 (Priv.)	Empowering the granting of build- ing leases of the demesne lands of the Manor of Barnesbury, Isling- ton.	
9 Geo. 3 (1769)		
c. 13	St. Martin le Grand (cleaning, watching, etc.).	
c. 22	St. Botolph, Aldgate, and precinct of St. Katharine (paving, cleans- ing, lighting, etc.)	Rep. 47 Geo. 3, c. xxxviii.
c. 23	St. Bartholomew the Great (light- ing, paving, etc.).	
c. 31	Magdalen Hospital.	

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Year, statute and chapter.	Subject matter.	Repeals, etc.
9 Geo. 3 (1769) (<i>cont.</i>)		
c. 89	Making a road from Blackfriars Bridge to Newington Butts ..	Semble spent.
c. 61 (Priv.)	Empowering the Prebendary of St. Paul to lease for 99 years the prebendal estate of Halliwell and Finsbury.	
10 Geo. 3 (1770)		
c. 23	St. Mary le Bone (paving, cleansing, lighting, etc.)	Rep. 35 Geo. 3, c. 73.]
c. 29	Recovery of small debts (Blackheath, etc.)	Semble rep. 9 & 10 Vict. c. 95.
c. 32	New office of Excise, London	Rep. 30 & 31 Vict. c. 59 (S.L.R.).
c. 44 (ss. 4-9)	Hackney coaches	
c. 53	Thames River (relief of coal-heavers).	
c. 56	St. Paul, Shadwell (poor)	Rep. 50 Geo. 3, c. ccviii.
c. 75	St. Martin-in-the-Fields (building a workhouse)	Rep. Westminster Order in Council 1901.
c. 76	St. Andrew, Holborn (purchase of a workhouse).	
c. 80	Saffron Hill, Hatton Garden and Ely Rents (building a workhouse).	
c. 110	St. Clement Danes (poor).	
c. 112	St. Marylebone (now parish church)	Rep. 51 Geo. 3, c. cli.
c. 72 (Priv.)	Certain commons in Newington Butts (disposing of same for the benefit of the poor)	Rep. Southwark Order in Council 1901.
11 Geo. 3 (1771)		
c. 10	Morden College	Rep. 16 & 17 Vict. c. xli.
c. 12	St. Mary, Whitechapel (paving, etc.)	
c. 15	St. Mary, Whitechapel (paving, etc.)	
c. 17	Southwark (paving, etc.)	
c. 21	Wapping Street (paving, etc.) ..	Rep. Bermondsey and Southwark Orders in Council 1901.
c. 22	Westminster (paving, cleansing, lighting, etc.)	Rep. Stepney Order in Council 1901.
c. 23	Rosemary Lane (paving, etc.) ..	Rep. Holborn and Westminster Orders in Council 1901.
c. 24	Hackney coaches	Rep. in part 16 & 17 Vict. c. cxli.
c. 26	London Bridge.	Rep. 1 & 2 Will. 4, c. 22.
c. 29	City of London (paving, etc.) ..	Rep. 11 & 12 Vict. c. clxiii.
c. 29	St. John, Clerkenwell (paving, watching, etc.).	
c. 24	Inclosing and embanking parts of the Thames	Rep. in part 31 & 32 Vict. c. cxi.; 38 & 39 Vict. c. clxxix.
c. 25	Keeping, etc., of gunpowder (London and Westminster) ..	Rep. 12 Geo. 3, c. 61.
c. 45	Thames navigation	Rep. 57 & 58 Vict. c. clxxxvii.
c. 46	Old Street, St. Luke (lighting, watching, etc.)	Rep. 50 Geo. 3, c. cxlix.
c. 51	Lastage and ballastage (Thames) ..	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 54	Haydon Square, New Square (paving, etc.)	Rep. Stepney Order in Council 1901.
c. 59	St. Pancras (shutting up certain footpaths).	
12 Geo. 3 (1772)		
c. 17	St. Mary, Islington (lighting and watching)	Rep. 5 Geo. 4, c. cxxv.

Year, statute and chapter.	Subject matter.	Repeals, etc.
12 Geo. 3 (1772) (<i>cont.</i>)		
c. 34	St. Martin in the Fields (building a workhouse)	Rep. Westminster Order in Council 1901.
c. 38	Christchurch (paving, lighting, etc.)	Rep. in part 16 & 17 Viet. c. cxli.
c. 40	St. Marylebone (new parish church)	Rep. 51 Geo. 3, c. cli.
c. 42	Crown lands (Savoy).	
c. 43	Ely House, Holborn (Crown lands).	
c. 61	Keeping, etc., of gunpowder (Lon- don and Westminster)	Rep. 23 & 24 Viet. c. 139.
c. 65	Hangman's Acre, St. George's Fields (extinguishing the right of common).	
c. 68	St. Sepulchre (poor, paving, watching, etc.)	Rep. Finsbury Order in Council 1901.
c. 69	St. Pancras, west of Tottenham Court Road (paving, lighting, watching, etc.)	Rep. St. Pancras Order in Council 1901.
[c. 73	Metropolitan buildings	Rep. 14 Geo. 3, c. 78.
[c. 79	St. Botolph, Bishopsgate (poor) ..	Rep. 35 Geo. 3, c. 61.
c. 99	Old Street Road	Rep. 7 Geo. 4, c. cxlii.
c. 102	St. Mary, Whitechapel (poor) ..	Rep. in part 46 Geo. 3, c. lxxxix.
13 Geo. 3 (1773)		
c. 48	St. Marylebone (paving, lighting, etc.)	Rep. 35 Geo. 3, c. 73.
c. 53	St. Matthew, Bethnal Green (poor)	Rep. Bethnal Green Order in Council 1901.
14 Geo. 3 (1774)		
c. 14	Manor of Clapham (new parish church)	Rep. Wandsworth Order in Council 1901.
c. 24	St. James, Clerkenwell (paving, lighting, etc.)	Rep. Finsbury Order in Council 1901.
c. 29	St. Leonard, Shoreditch (relief of the poor)	Rep. 53 Geo. 3, c. cxii.
c. 30	Old Artillery Ground (workhouse, paving, etc.)	Rep. Stepney Order in Council 1901.
c. 43	Court of Chancery (rebuilding of offices in Lincoln's Inn)	Rep. 32 & 33 Viet. c. 91.
c. 52	Grosvenor Square (paving, light- ing, etc.)	Rep. 5 & 6 Will. 4, c. xliii.
c. 62	St. Giles in the Fields and St. George, Bloomsbury (poor).	
c. 75	St. Saviour, Southwark (new work- house, etc.).	
c. 78	Fires in London.	
c. 87	Driving of cattle, Metropolis ..	Rep. 34 & 35 Viet. c. 116 (S.L.R.).
c. 90	City of Westminster (nightly watch and beades)	Rep. Holborn and Westminster Orders in Council 1901.
c. 91	Thames navigation	Rep. 57 & 58 Viet. c. clxxxvii.
c. 93	Lewisham (rebuilding parish church).	
c. 95	Battersea (rebuilding parish church, etc.).	
c. 108	St. Giles in the Fields and St. George, Bloomsbury (poor).	
c. 116	St. Leonard, Shoreditch, and St. Mary, Stoke Newington (repair- ing roads, lighting, etc.)	Rep. Shoreditch and Stoke Newington Orders in Council 1901.
15 Geo. 3 (1775)		
c. 11	Thames navigation	Rep. 57 & 58 Viet. c. clxxxvii.
c. 21	St. Marylebone (relief of the poor)	Rep. 35 Geo. 3, c. 73.

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Year, statute and chapter.	Subject matter.	Repeals, etc.
15 Geo. 3 (1775) (<i>cont.</i>)		
c. 22	Lincoln's Inn (vesting part of in the Accountant General of the Court of Chancery)	Rep. in part 34 & 35 Vict. c. 116 (S.L.R.).
c. 23	St. James, Clerkenwell (building a workhouse)	Rep. Finsbury Order in Council 1901.
c. 33	Buckingham House (vesting in the Crown)	Rep. in part 20 Geo. 3, c. 40.
c. 43	Hanlet of Highgate (lighting, watching, etc.).	
c. 50	St. Paul, Covent Garden (building a workhouse)	Rep. 10 Geo. 4, c. lxxviii.
c. 54	St. Paul, Shadwell (paving, lighting, etc.)	Rep. 50 Geo. 3, c. ccviii.
c. 55	St. Leonard, Shoreditch (poor) ..	Rep. 53 Geo. 3, c. cxii.
c. 56	Lincoln's Inn (Chancery offices) ..	Rep. in part 34 & 35 Vict. c. 116 (S.L.R.).
c. 57	Piccadilly (watering of).	
c. 58	Hampstead (lighting, watching, etc.)	Rep. Hampstead Order in Council 1901.
16 Geo. 3 (1776)		
c. 13	Drury Lane, Royal Theatre.	
c. 15	St. George, Middlesex (poor, lighting, watching, etc.)	Rep. 46 Geo. 3, c. lxxvii.
c. 24	Greenwich Hospital	Rep. 10 Geo. 4, c. 25.
c. 26	Camberwell and Peckham (lighting, watching)	Rep. Camberwell Order in Council 1901.
c. 31	Theatre Royal, Covent Garden.	
c. 60	St. Leonard, Shoreditch, and Norton Folgate.	
c. 76	Highgate and Hampstead roads ..	Rep. 1 & 2 Geo. 4, c. cx.
17 Geo. 3 (1777)		
c. 5	St. Mary, Islington (poor relief) ..	Rep. 5 Geo. 4, c. cxxv.
c. 13	Admeasurements of coal.	
c. 18	Thames navigation	Rep. 57 & 58 Vict. c. clxxxvii.
c. 22	Wapping Street and Ratcliff Highway (paving, etc.)	Rep. Stepney Order in Council 1901.
c. 23	St. Mary, Newington (paving and lighting).	
c. 60	Hoxton Square, Shoreditch ..	Rep. Shoreditch Order in Council 1901.
c. 63	St. James, Clerkenwell (paving, lighting, etc.)	Rep. Finsbury Order in Council 1901.
c. 64	St. Mary Abbots, Kensington (poor)	Rep. Kensington Order in Council 1901.
c. 66	St. Dunstan, Stepney (nightly watch).	
18 Geo. 3 (1778)		
c. 10	Lea Bridge (Jeremy's Ferry) ..	Rep. 7 Geo. 4, c. cxlii.
c. 29	Greenwich Hospital.	
c. 37	St. Mary, Whitechapel (paving, etc.)	Rep. 16 & 17 Vict. c. cxli.
c. 48	The Orphans Fund and Newgate Gaol.	
c. 49	The Orphans Fund and St. George and St. John, Wapping.	
c. 50	The Orphans Fund and Goodman's Fields.	
c. 51	The Orphans Fund and Southwark.	
c. 66	Halliwell and Finsbury drainage	Rep. 18 & 19 Vict. c. 120.
c. 67	New Sessions House and the Orphans Fund.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
18 Geo. 3 (1778) (<i>cont.</i>)		
c. 71	New street from Moorfields to Bishopsgate Street.	
c. 72	Westminster Sessions House.	
c. 73	St. Botolph without Aldersgate (paving).	
c. 74	Christchurch, Middlesex (work- house)	Rep. Stepney Order in Council 1901.
c. 77	Norton Folgate and St. Leonard, Shoreditch (paving).	
c. 78	The Orphans Fund and Bishops- gate Street.	
c. 80	St. Mary, Whitechapel (widening streets)	Rep. 16 & 17 Vict. c. cxli.
c. 32 (Priv.)	Manor of Lambeth.	
19 Geo. 3 (1779)		
c. 68	Recovery of small debts (Tower Hamlets)	Semble rep. 9 & 10 Vict. c. 95.
c. 120	Kilburn Road	Rep. 7 Geo. 4, c. cxlii.
20 Geo. 3 (1780)		
c. 15	St. Marylebone (new parish church).	
c. 40	Completion of Somerset House ..	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 48	Goswell Street (lighting, watching, etc.)	Rep. Finsbury Order in Council 1901.
c. 63	Indemnity, suppression of riots (London, Westminster, and South- wark)	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 64	Release of prisoners by riots (pro- tection of the sheriff and gaolers in the gaols in Middlesex, Surrey, and the city of London	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 66	Stepney and St. Mary, White- chapel (poor, paving, etc.) ..	Rep. Stepney Order in Council 1901.
21 Geo. 3 (1781)		
c. 1	Destruction of prison by rioters ..	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 34	Admeasurement of coals (West- minster, St. Giles, St. Marylebone, and St. Andrew, Holborn) ..	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 67	Driving of cattle, Middlesex ..	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 71	St. Christopher le Stocks and St. Margaret, Lothbury.	
c. 73	Manors of Stepney and Hackney (court of record).	
c. 100	New Cross roads	Rep. 42 Geo. 3, c. lxxiii.
22 Geo. 3 (1782)		
c. 35	St. John, Wapping (poor relief, etc.)	Rep. Stepney Order in Council 1901.
c. 43	The Orphans Fund and a new road from Spitalfields to Bishopsgate Street.	
c. 44	St. Margaret and St. John the Evangelist, Westminster (light- ing, etc.)	Rep. Westminster Order in Council 1901.
c. 56	St. Luke, Middlesex (new work- house, etc.)	Rep. 48 Geo. 3, c. xcvii.
c. 65	New streets from the Strand.	
c. 77	The City Corporation and the Hospitals of St. Bartholomew, Bethlehem, Bridewell, and St. Thomas.	
c. 84	St. George, Hanover Square (light- ing, paving, etc.)	Rep. Westminster Order in Council 1901.

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
22 Geo. 3 (1782) (<i>cont.</i>)		
c. 85	Portman Square.	
c. 86	St. John, Wapping (paving, etc.) ..	Rep. Stepney Order in Council 1901.
c. 87	St. Anne, Middlesex, and Hamlet of Ratcliffe (paving, etc.) ..	Rep. Stepney Order in Council 1901.
c. 115	Hackney Road	Rep. 1 & 2 Geo. 4, c. cxii.
c. 14 (Priv.)	New street from the Strand to Stanhope Street.	
23 Geo. 3 (1783)		
c. 8	Lastage and ballastage in the Thames.	
c. 23	Prisoners in the King's Bench and Southwark	Rep. Southwark Order in Council 1901.
c. 27	Bridewell Hospital and St. Ann, Blackfriars.	
c. 31	St. Mary, Rotherhithe (lighting, paving, etc.)	Rep. Bermondsey Order in Council 1901.
c. 32	St. John, Wapping (poor)	Rep. Stepney Order in Council 1901.
c. 42	St. Paul, Covent Garden (paving, lighting, etc.)	Rep. Westminster Order in Council 1901.
c. 43	St. Anne and St. Martin in the Fields (lighting, paving, etc.) ..	
c. 44	St. James, Clerkenwell (workhouse, etc.)	Rep. Finsbury Order in Council 1901.
c. 46	Fenchurch Street and Old Jewry (widening of).	
c. 89	St. Clement Danes (lighting, pav- ing, etc.)	Rep. Westminster Order in Council 1901.
c. 89	St. Martin in the Fields (lighting, paving, etc.)	
c. 91	St. Mary, Whitechapel (paving, etc.)	Rep. 16 & 17 Vict. c. cxli.
c. 102	City Road	Rep. 5 Geo. 4, c. lxi.
c. 110	Marlybone Road and Oxford Road	Rep. 7 Geo. 4, c. cxlii.
c. 30 (Priv.)	Dean of St. Paul's and Doctors Commons.	
24 Geo. 3 (1784)		
c. 60	Christchurch, Middlesex (poor) ..	Rep. Stepney Order in Council 1901.
25 Geo. 3 (1785)		
c. 18	Newgate Gaol Delivery Sessions.	
c. 23	St. Mary Magdalen, Bermondsey (paving, etc.)	Rep. 4 & 5 Will. 4, c. xcv.
c. 45	Imprisonment of debtors (London, Middlesex, and Southwark), (re- ducing the time of).	
c. 77	Fires prevention (Metropolis) ..	Rep. in part 34 & 35 Vict. c. 116 (S.L.R.); 50 & 51 Vict. c. 59 (S.L.R.); 51 Vict. c. 3 (S.L.R.).
c. 86	St. Katharine, near the Tower of London (lighting, etc.)	Rep. 54 Geo. 3, c. cccx.
c. 88	Clapham (lighting and watching) ..	Rep. Wandsworth Order in Council 1901.
c. 89	Lambeth Waterworks	See 2 Edw. 7, c. 41.
c. 96	St. Leonard, Shoreditch, and Nor- ton Folgate.	
c. 97	Rebuilding of the Poultry and Wood Street Compters.	
c. 117	Borough of Southwark (repairing of roads)	Rep. 42 Geo. 3, c. lxxvi.
c. 124	Road from Whitechapel to Shen- field	Semble spent.

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

XXV

Year, statute and chapter.	Subject matter.	Repeals, etc.
26 Geo. 3 (1786)		
c. 14	Admeasurement of coals between Putney and Rotherhithe ..	Rep. 47 Geo. 3, c. lxxviii.
c. 37	Blackfriars Bridge.	
c. 54	Land Tax (St. Clement Danes and St. Mary le Strand) ..	Rep. 34 & 35 Viet. c. 116 (S.L.R.).
c. 83	Admeasurement of coals between Tower Dock and Limehouse Hole.	
c. 102	Westminster (tolls to Commissioners of Paving)	Spent.
c. 103	Land tax (East Smithfield) ..	Rep. 34 & 35 Viet. c. 116 (S.L.R.).
c. 105	Land tax (Broad Street and the Tower)	
c. 108	Admeasurement of coals (Westminster, etc.)	Rep. 47 Geo. 3, c. lxxviii.
c. 112	St. Margaret and St. John, Westminster (watchmen, patrols, and beudles)	Rep. Westminster Order in Council 1901.
c. 114	St. John, Southwark (poor) ..	Rep. Bermondsey Order in Council 1901.
c. 120	The Clink, Southwark (paving, etc.)	Rep. 52 Geo. 3, c. xiv.
c. 131	Roads in Lambeth, Southwark, and Bermondsey	Rep. 3 Geo. 4, c. cxii.
27 Geo. 3 (1787)		
c. 52	Camberwell (lighting and watching)	Rep. Camberwell Order in Council 1901.
c. 54	St. Luke, Chelsea (additional workhouse for St. George, Hanover Square)	Rep. Westminster Order in Council 1901.
[28 Geo. 3 (1788)		
c. 10	St. James, Clerkenwell (new church, etc.)	Rep. Finsbury Order in Council 1901.
c. 51	Thames navigation	Rep. 57 & 58 Viet. c. clxxxvii.
c. 60	Christchurch, Middlesex (paving, lighting, etc.)	Rep. in part 16 & 17 Viet. c. cxli.
c. 62	St. Peter le Poor (rebuilding parish church).	
c. 68	St. Mary Magdalen, Bermondsey (paving, etc.)	Rep. Bermondsey and Southwark Orders in Council 1901.
c. 74	Paddington (rebuilding parish church).	
c. 83	St. Paul, Covent Garden (repair of church)	Rep. 10 Geo. 4, c. lxxviii.
29 Geo. 3 (1789)		
c. 5	Manchoster Square.	
c. 30	St. Paul, Covent Garden (repair of church)	Rep. 10 Geo. 4, c. lxxviii.
c. 38	New street from Fleet Street to Temple Street.	
c. 47	St. James, Westminster (additional burial ground)	Rep. Westminster Order in Council 1901.
c. 71	St. Pancras (paving, lighting, etc.)	Rep. St. Pancras Order in Council 1901.
c. 75	St. George, Hanover Square (poor)	Rep. 7 Geo. 4, cc. lxxiii. and cxxi.
c. 82	Old Street Road	Rep. 7 Geo. 4, c. cxlii.
c. 96	Stamford Hill Road	Rep. 35 Geo. 3, c. lix.
30 Geo. 3 (1790)		
c. 53	St. Andrew, Holborn, and the city of Westminster (paving, lighting, etc.)	Rep. Holborn and Westminster Orders in Council 1901.
c. 54	Westminster Fish Market. . .	Rep. 31 & 32 Viet. c. 45.

Year, statute and chapter.	Subject matter.	Repeals, etc.
30 Geo. 3 (1790) (<i>cont.</i>)		
c. 69	St. James, Clerkenwell (new church, etc.)	Rep. Finsbury Order in Council 1901.
c. 70	St. James, Westminster (additional burial ground)	Rep. Westminster Order in Council 1901.
c. 71	St. John, Hackney (new church, etc.)	Rep. Hackney Order in Council 1901.
c. 76	Hans Town, Chelsea (repairing streets).	
c. 80	Streatham (workhouse, etc.) ..	Rep. Wandsworth Order in Council 1901.
31 Geo. 3 (1791)		
c. 18	St. Pancras (paving, etc.).. ..	Rep. St. Pancras Order in Council 1901.
c. 19	St. Mary Magdalen, Bermondsey (poor)	Rep. Bermondsey Order in Council 1901.
c. 61	Upper Ground Street, Christchurch, Southwark (paving, lighting, etc.).	
c. 90	Finsbury Square	Rep. Finsbury Order in Council 1901.
c. 110	St. John, Southwark (new road from New Street).. .. .	Spent.
c. 124	Repairing roads from Kensington to Hounslow	Rep. 7 Geo. 4, c. cxlii.
32 Geo. 3 (1792)		
c. 39	St. Botolph without Aldersgate (parish church, etc.).	
c. 53	Justices of the Peace (Metropolis)	Rep. 42 Geo. 3, c. 76.
c. 62	Bond Street (as to removal of the stand of hackney carriages).	
c. 64	St. Bride (repairing parish church, etc.).	
c. 66	St. Pancras (additional burying ground).	Rep. 1 & 2 Geo. 4, c. xxiv.
33 Geo. 3 (1793)		
c. 43	Paddington (parish church).	
c. 75	City of London (drains, paving, etc., streets)	Rep. 11 & 12 Vict. c. clxiii.
c. 82	Haydon Square and New Square, etc.	Rep. Stepney Order in Council 1901.
c. 83	St. Luke, Middlesex (lighting, watching, etc.).	Rep. 50 Geo. 3, c. cxlix.
c. 87	St. Mary, Islington (enlarging the cemetery).	
c. 88	St. Matthew, Bethnal Green, and St. Leonard, Shoreditch ..	Rep. Bethnal Green and Shoreditch Orders in Council 1901.
34 Geo. 3 (1794)		
c. 65	Thames watermen	Rep. 7 & 8 Geo. 4, c. lxxv.
c. 96	St. Pancras, St. George the Martyr, St. George, Bloomsbury, and the Foundling Hospital	Rep. Holborn and St. Pancras Orders in Council 1901.
c. 131	Tyburn and Uxbridge Road ..	Rep. 7 Geo. 4, c. lxxvi.
c. 60 (Priv.)	Emanuel Hospital.	
35 Geo. 3 (1795)		
c. 43	Grand Junction Canal.	
c. 45	Finsbury Square.	
c. 61	St. Botolph, Bishopsgate (work- house, etc.).	
c. 70	St. John, Hackney (new church).	
c. 73	St. Marylebone (poor)	Rep. St. Marylebone Order in Council 1901.

Year, statute and chapter.	Subject matter.	Repeals, etc.
35 Geo. 3. (1795) (<i>cont.</i>)		
c. 74	Kensington (repair of footways).	Rep. 14 & 15 Vict. c. cxvi.
c. 84	Lastago and ballastago in the Thames	Spent.
c. 104	Christ's Hospital.	
c. 106	Thames navigation	Rep. 57 & 58 Vict. c. clxxxvii.
c. 126	Temple Bar (widening approaches).	
c. 131	New Bridge, Blackfriars (now sewer).	
c. 134	Road from Kensington to Houn- slow	Rep. 7 Geo. 4, c. cxlii.
c. 142	Kensington Road	Rep. 6 Geo. 4, c. clvii.
c. 147	St. Mary, Islington (poor and repairing roads)	Rep. 5 Geo. 4, c. cxxv.
e. 83 (Priv.)	Paddington (enabling Bishop of London to grant building leases).	
36 Geo. 3 (1796)		
c. 61	Admeasurement of coal (West- minster, etc.)	Rep. 47 Geo. 3, c. lxxviii.
c. 65	St. Paul, Covent Garden (re- building church)	Rep. 10 Geo. 4, c. lxxviii.
c. 75	Metropolitan Justices	Rep. 42 Geo. 3, c. 76.
c. 88	Hay and straw (Metropolis).	
c. 89	Land tax (city of Westminster) ..	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 92	London militia	Rep. 1 Geo. 4, c. 100.
c. 103	St. Martin Outwich, Threadneedle Street, etc. (rebuilding parish church).	
c. 118	Billingsgate Fish Market	Rep. 31 & 32 Vict. c. 45.
c. 127	New street from Petticoat Lane to White Street.	
37 Geo. 3 (1797)		
c. 25	Militia (Tower Hamlets)	Rep. in part 34 & 35 Vict. c. 116 (S.L.R.); 35 & 36 Vict. c. 63 (S.L.R.); 38 & 39 Vict. c. 69; 45 & 46 Vict. c. 49; 50 & 51 Vict. c. 59 (S.L.R.); 51 Vict. c. 3, (S.L.R.).
c. 75	Tower Hamlets Militia	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 79	Christchurch, Middlesex (poor, etc.)	Rep. Stepney Order in Council 1901.
c. 80	St. Pancras (Doughty Estate, paving, etc.)	Rep. St. Pancras Order in Council 1901.
c. 87	Great Tower Hill (paving, etc.) ..	Rep. Stepney Order in Council 1901.
c. 98	Assizo and making of bread, London	Rep. 55 Geo. 3, c. xcix.
c. 128	Land tax (Westminster Hall) ..	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
38 Geo. 3 (1798)		
c. xxv	New road from Southwark to Dockhead	Spent.
c. xxxiii	Grand Junction Canal.	
c. xxxiv	St. Sepulchre, City of London (poor, etc.).	
c. lv	Assizo and making of bread, London	Rep. 55 Geo. 3, c. xcix.
c. lvi	Admeasurement of coals, city of London	Rep. 47 Geo. 3, c. lxxviii.
c. lx	Little Tower Hill (new sewer).	
c. lxi	Temple Bar (widening approaches).	
39 Geo. 3 (1799)		
c. 73, ss. 2	British Museum	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 82	Militia of the city of London ..	Rep. 1 Geo. 4, c. 100.

Year, statute and chapter.	Subject matter.	Repeals, etc.
39 Geo. 3 (1799) (cont.)		
c. iv.	St. Bride, Fleet Street (poor relief).	Rep. 7 Geo. 4, c. cxlii.
c. xiii.	Kilburn Road	
c. xxiii.	Lea Bridge (Jeremy's Ferry, etc.)..	Rep. Holborn Order in Council 1901.
c. xli.	St. Andrew, Holborn (poor rates, etc.)	
c. lviii.	Rates of portorage by innkeepers (London, Westminster, and Southwark).	
c. lxix.	Port of London	Rep. 57 & 58 Vict. c. clxxxvii.
c. lxxiv.	New street from the Haymarket to Charles Street, St. James Square.	
c. lxxxi.	St. Mary Woolnoth (lands for lectureship).	
c. lxxxii.	Westminster Sessions House.	
39 & 40 Geo. 3 (1799-1800)		
c. 47	Hackney coaches, etc. (London) ..	Rep. 1 & 2 Will. 4, c. 22.
c. 74	Price and assize of bread (London and environs)	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 87	Depredation on the River Thames	Rep. 34 & 35 Vict. c. 116 (S.L.R.).
c. 97	London Flour Company.	
c. xxxv.	St. Jolin, Hampstead (poor) ..	Rep. Hampstead Order in Council 1901.
c. xlii.	Temple Bar (widening approaches).	
c. xlvii.	Port of London (making docks, etc.)	Rep. 9 Geo. 4, c. cxvi.
c. xlix.	St. Pancras: Bedford estate (paving, lighting, etc.)	Rep. St. Pancras Order in Council 1901.
c. l.	Russell Square.	
c. lx.	Female Orphan Asylum.	
c. civ.	Recovery of small debts; Courts of Requests (city of London) ..	Rep. 5 & 6 Will. 4, c. xciv.
c. cx.	Commercial Road	Rep. 9 Geo. 4, c. cxii.
41 Geo. 3 (G.B.) (1800)		
c. 13	Houses of Parliament	Rep. in part 46 Geo. 3, c. 89.
41 Geo. 3 (U.K.) (1801)		
c. 99	Bounties on fish (London and Westminster)	Rep. 31 & 32 Vict. c. 45.
c. ix.	Tooting (repair of roads)	Rep. 2 Vict. c. iv.
c. xxxi.	Grand Surrey Canal	Rep. 18 & 19 Vict. c. cxxxiv.
c. xxxiii.	An Act for making a railway from Wandsworth to Croydon.	
c. xl.	Highgate and Hampstead roads ..	Rep. 1 & 2 Geo. 4, c. cx.
c. lxxi.	Grand Junction Canal.	
c. exxvii.	Croydon and Deptford Canal.	
c. exxix.	Harrow Road	Rep. 7 Geo. 4, c. xci.
c. exxxi.	St. Pancras (Southampton Estate Improvements)	Rep. St. Pancras Order in Council 1901.
42 Geo. 3 (1801-2)		
c. 19	Westminster Fish Market	Rep. 31 & 32 Vict. c. 45.
c. 76	Metropolitan police magistrates ..	Rep. 35 & 36 Vict. c. 63 (S.L.R.).
c. 78	Hackney coaches (Metropolis) ..	Rep. 1 & 2 Will. 4, c. 22.
c. 89	Lands for ordnance survey (Woolwich).	
c. xiii.	St. Leonard, Shoreditch (paving, repairing, etc., certain footways)	Rep. Shoreditch Order in Council 1901.
c. xvi.	Hackney Road	Rep. 1 & 2 Geo. 4, c. cxii.
c. xxviii.	St. Mary, Islington (poor)	Rep. 5 Geo. 4, c. cxxv.
c. xlix.	Port of London	Rep. 57 & 58 Vict. c. clxxxvii.
c. lxiii.	New Cross roads	Rep. 7 Geo. 4, c. cxxv.

Year, statute and chapter.	Subject matter.	Repeals, etc.
42 Geo. 3 (1801-2) (cont.)		
c. lxxii.	St. Anne's, Westminster (church and vestry)	Rep. Westminster Order in Council 1901.
c. lxxiii.	Temple Bar (widening approaches).	
c. lxxvi.	Southwark (repairing roads) ..	Rep. 9 Geo. 4, c. cxx.
c. lxxvii.	Tyburn and Uxbridge roads ..	Rep. 7 Geo. 4, c. lxxv.
c. lxxxviii.	Supply of fish (London and Westminster)	Rep. 9 & 10 Vict. c. cccxvi.
c. lxxxix.	Vend and delivery of coals (London and Westminster)	Rep. 47 Geo. 3, c. lxxviii.
c. ci.	Commercial Road	Rep. 9 Geo. 4, c. cxii.
c. cxiii.	Port of London and West India Dock	Rep. 1 & 2 Will. 4, c. lii.
43 Geo. 3 (1802-3)		
c. 35	Lands for Ordnance service (Woolwich)	
c. 65	Lands for Ordnance service (Charlton).	
c. 101	Militia (city of London)	Rep. 46 Geo. 3, c. 144.
c. 115	Exciseable goods on the Thames ..	Rep. 35 & 36 Vict. c. 63 (S.L.R.).
c. 125	Militia (city of London)	Rep. 35 & 36 Vict. c. 63 (S.L.R.).
c. 132	Port of London (warehousing of goods)	Rep. 4 Geo. 4, c. 24.
c. viii.	Grand Junction Canal.	
c. x.	Kensington Square, etc. (paving, lighting, etc.)	Rep. 14 & 15 Vict. c. cxvi.
c. xi.	Chelsea (Hans Town) improvements.	
c. xvi.	Brentford Road	Rep. 7 Geo. 4, c. cxlii.
c. xx.	St. Giles-in-the-Fields (burial ground)	Rep. (except s. 12) 25 & 26 Vict. c. lxx.
c. lxvi.	Road from Whitechapel to Shenfield	Seemle spent.
c. lxxviii.	City Road	Rep. 5 Geo. 4, c. lxi.
c. xcviii.	New River water.	
c. cvi.	Hides and skins (London and Westminster)	Rep. 5 Geo. 4, c. 57.
c. cxxiv.	Port of London (purchase of quays)	Rep. 57 & 58 Vict. c. clxxxvii.
c. cxxvi.	East India Docks	Rep. 9 Geo. 4, c. xcv.
c. cxxxi.	Deptford Creek Bridge.	
c. cxxxii.	Bernondsey (Long Lane) improvements	Rep. Bermondsey, Deptford, and Greenwich Orders in Council 1901.
c. cxxxiv.	Coal Market (city of London) ..	Rep. 47 Geo. 3, c. lxxviii.
c. cxxxix.	St. Pancras (Southampton estate) improvements	Rep. St. Pancras Order in Council 1901.
c. cxliii.	St. John, Hackney (church and tower).	
44 Geo. 3 (1804)		
c. 61	Westminster Sessions House ..	Rep. in part 46 Geo. 3, c. 89.
c. 96	Defence of the realm (city of London)	Rep. 46 Geo. 3, c. 144.
c. 100	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. 107	Compensation for lands at Woolwich and Charlton purchased for ordnance service	Spent.
c. ii.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. vii.	Port of London	Rep. 1 & 2 Will. 4, c. lii.
c. xxvii.	Temple Bar (widening approaches).	
c. xxxvii.	Commercial Road (extension of) ..	Rep. 9 Geo. 4, c. cxii.
c. xlvii.	St. Pancras (poor; new work-house)	Rep. 45 Geo. 3, c. xcix.
c. liii.	St. Nicholas, Deptford (paving, lighting, etc.)	Rep. Greenwich Order in Council 1901.

*Chronological Table of Statutes relating specially
to London from 1790 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
44 Geo. 3 (1804) (<i>cont.</i>)		
c. lvii.	St. Mary, Stratford, Bow (poor rates)	Rep. Poplar Order in Council 1901.
c. lxxx.	Harrow Road (repairing of) ..	Rep. 7 Geo. 4, c. cxlii.
c. lxxxii.	Coal Market (city of London) ..	Rep. 47 Geo. 3, c. lxxviii.
c. lxxxiv.	Poultry Compter Debtors' Prison.	
c. lxxxv.	St. Martin-in-the-Fields (additional burial ground)	Rep. Westminster Order in Council 1901.
c. lxxxvi.	Southwark (paving, etc.)	Rep. Bermondsey and Southwark Orders in Council 1901.
c. lxxxix.	Relief of certain incumbents in the city of London.	
c. 63 (Priv.)	Paddington (enabling Bishop of London to grant building leases).	
45 Geo 3 (1805)		
c. 64	Bounties on fish (London and Westminster)	Rep. 35 & 36 Vict. c. 63 (S.L.R.).
c. 115	Houses of Parliament	Rep. in part 46 Geo. 3, c. 89.
c. 127	British Museum (Townleian Collection).	
c. 128	Bringing of coals, etc., to London and Westminster	Rep. 6 Geo. 4, c. 105.
c. ii.	Coal Market (city of London).	
c. vi.	Bethnal Green Road.	
c. xxiii.	Assize and making of bread ..	Rep. 55 Geo. 3, c. xcix.
c. lviii.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. lxiii.	Port of London	Rep. 57 & 58 Vict. c. clxxxvii.
c. lxiv.	Billingsgate Market	Rep. 9 & 10 Vict. c. cccxvi.
c. lxxiii.	Grand Junction Canal.	
c. lxix.	Lee River navigation.	
c. xcviii.	Thames lastage and ballastage ..	Rep. 6 & 7 Vict. c. lvii.
c. xcix.	St. Paneras (poor; new work-houses, etc.)	Rep. 59 Geo. 3, c. xxxix.
c. cxiii.	Paddington (enabling Bishop of London to grant building leases).	
c. cxv.	St. Mary, Newington (confirming certain leases by Dean and Chapter of Canterbury).	
c. cxvii.	Thames Tunnel (from St. Mary, Rotherhithe)	Lapsed.
c. cxix.	Water supply (St. Giles, Camberwell, and St. Mary's, Lambeth) ..	Rep. 8 & 9 Vict. c. lxix.
46 Geo. 3 (1806)		
c. 82	Port of London (fees)	Rep. 6 Geo. 4, c. 105.
c. 89	Houses of Parliament.	
c. 100	Greenwich Hospital	} Rep. 10 Geo. 4, c. 26.
c. 101	Chest of Greenwich	
c. 104	Bringing of coals to London and Westminster	Rep. 6 Geo. 4, c. 105.
c. 118	London quays.	
c. 144	Defence of the realm (city of London)	Rep. 35 & 36 Vict. c. 63 (S.L.R.).
c. i.	St. Mary's, Islington (lighting, watching, etc.)	Rep. 5 Geo. 4, c. cxxv.
c. xvi.	St. Sepulchre, city of London (poor, etc.).	
c. xxxii.	Coal (weight and delivery), Rotherhithe and Egham	Rep. 47 Geo. 3, c. lxxviii.
c. lvii.	Lambeth (Rush Common).	
c. lix.	Port of London.	
c. lxxvi.	Red Lion Square (paving, watching, etc.)	Rep. Holborn Order in Council 1901.

Year, statute and chapter.	Subject matter.	Repeals, etc.
46 Geo. 3 (1806) (<i>cont.</i>)		
c. lxxvii.	St. George, Middlesex (cleaning, lighting, etc.)	Rep. Stepney Order in Council 1901.
c. lxxxvii.	Southwark (recovery of small debts)	Semble rep. 9 & 10 Vict. c. 95.
c. lxxxviii.	Brixton (recovery of small debts) ..)
c. lxxxix.	St. Mary, Whitechapel (cleaning, lighting, etc.)	Rep. Stepney Order in Council 1901.
c. xc.	St. Marylebone (paving, lighting, etc.)	Rep. St. Marylebone Order in Council 1901.
c. exiii.	East India Dock	Rep. 9 Geo. 4, c. xcv.
c. cxix.	West Middlesex Waterworks ..	See 2 Edw. 7, c. 41.
c. cxxiv.	St. Marylebone (additional cemo- tery)	Rep. 51 Geo. 3, c. cli.
c. cxxv.	Commercial Road	Rep. 9 Geo. 4, c. cxii.
c. cxxxii.	Port of London.	
c. cxxxiv.	Bloomsbury Square.	
c. cxliv.	Philanthropic Society (Incorporation of).	
47 Geo. 3 (1806-7)		
c. 34	Bringing of coals, etc., to London) Rep. 35 & 36 Vict. c. 97 (S.L.R.).
c. 37	Depredations on the Thames ..)
c. 51	Port of London (abolition of fees)	Rep. 6 Geo. 4, c. 105.
c. 52	Greenwich Hospital	Rep. 10 Geo. 4, c. 26.
c. iv.	Recovery of small debts (Black- heath, etc.)	Semble rep. 9 & 10 Vict. c. 95.
c. vii.	Westminster (Commissioners of Sewers).	
c. xxviii.	Bridewell Hospital.	
c. xxxviii.	Westminster, St. Giles-in-the- Fields, St. George, Bloomsbury, and Holborn (paving, cleaning, etc.)	Rep. Holborn, Stepney, and Westmin- ster Orders in Council 1901.
Sess. 2. 1807		
c. 36	British Museum.	
c. 42	Police Magistrates (Metropolis) ..	Rep. 51 Geo. 3, c. 119.
c. 60	Purchase of quays in Port of London	Spent.
c. v.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. xxx.	Christchurch, Middlesex (poor relief)	Rep. Stepney Order in Council 1901.
c. xxxi.	City Canal (Isle of Dogs)	Rep. 57 & 58 Vict. c. clxxxvii.
c. xxxviii.	St. Botolph, Aldgate, etc., Precinct of St. Katharine (paving, cleans- ing, lighting, etc.)	Rep. Stepney Order in Council 1901.
c. lxvii.	Westminster (Sessions House).	
c. lxviii.	Delivery of coals (London and Westminster)	Rep. 1 & 2 Will. 4, c. lxxvi.
c. lxxii.	East London Waterworks	See 2 Edw. 7, c. 41.
c. lxxx.	Grand Surrey Canal	Rep. 18 & 19 Vict. c. cxxxiv.
c. cxi.	Woolwich (poor relief, burial ground, market)	Rep. Woolwich Order in Council 1901.
c. cxv.	Lambeth, Newington, St. George, Southwark, Bermondsey, and Christchurch (repairing roads) ..	Rep. 3 Geo. 4, c. cxii.
c. cxxxii.	St. George the Martyr, Southwark (maintenance of the Rector) ..	Rep. Southwark Order in Council 1901.
48 Geo. 3 (1808)		
c. 9	Port of London (Surveyor of Sub- sidies)	Rep. 24 & 25 Vict. c. 101.
c. 87	Hackney coach fares	Rep. 1 & 2 Will. 4, c. 22.
c. 95	Bringing of coals, etc., to London and Westminster	Rep. 6 Geo. 4, c. 105.
c. 136	Militia of Tower Hamlets	Rep. 35 & 36 Vict. c. 97 (S.L.R.).

Year, statute and chapter.	Subject matter.	Repeals, etc.
48 Geo. 3 (1808) (<i>cont.</i>)		
c. 137	Houses of Parliament.	
c. viii.	East London Water Company ..	See 2 Edw. 7, c. 41.
c. ix.	St. Saviour, Southwark (poor rates, etc.)	Rep. Southwark Order in Council 1901.
c. xviii.	Croydon and Deptford Canal.	
c. xxi.	St. Mary, Newington (poor rates, etc.)	Rep. 54 Geo. 3, c. cxiii.
c. lxx.	Sale of bread	Rep. 55 Geo. 3, c. xcix.
c. lxxi.	Hides and skins	Rep. 5 Geo. 4, c. 57.
c. lxxxvi.	St. Pancras (forming, paving, etc., new streets)	Rep. St. Pancras Order in Council 1901.
c. xcvi.	St. Luke (poor, etc.)	Rep. Finsbury Order in Council 1901.
c. xcix.	Grand Surrey Canal	Rep. 18 & 19 Vict. c. cxxxiv.
c. c.	Marylebone Road	Rep. 7 Geo. 4, c. cxlii.
c. cxvi.	Dulwich College.	
c. cxlii.	Paddington (enabling Bishop of London to grant building leases).	
c. cxlvi.	Woolwich (water supply and a market-house)	Rep. Woolwich Order in Council 1901.
49 Geo. 3 (1809)		
c. 123	Chelsea Hospital	Rep. 27 & 28 Vict. c. 23.
c. xxxix.	St. Anne, Limehouse (poor rates)	Rep. Stepney Order in Council 1901.
c. lxxxii.	Temple Bar (widening approaches).	
c. cxiii.	St. Clement Danes (nightly watch, etc.)	Rep. Westminster Order in Council 1902.
c. cxxviii.	New Cross roads	Rep. 7 Geo. 4, c. cxxv.
c. cxlii.	Vauxhall Bridge	Rep. in part 21 & 22 Vict. c. xxxii.
c. clv.	Thames (lastage and ballastage) ..	Rep. 6 & 7 Vict. c. lvii.
c. clvi.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. clvii.	Westminster (supply of water); Chelsea Waterworks	See 2 Edw. 7, c. 41.
c. clxxi.	Blackfriars Bridge (Sunday tolls).	
c. clxxii.	Commercial Road, etc.	Rep. 9 Geo. 4, c. cxii.
c. clxxxiv.	St. Mary Magdalen, Bermondsey (poor, etc.)	Rep. Bermondsey Order in Council 1901.
c. clxxxvi.	Great Dover Street	Rep. 10 Geo. 4, c. cxiii.
c. clxxxix.	Kent Waterworks	Rep. in part 25 & 26 Vict. c. xlv. ; and see 2 Edw. 7, c. 41.
c. exci.	Waterloo Bridge.	
c. 88 (Priv.)	St. Luke, Woolwich (enabling Rector to grant building leases).	
50 Geo. 3 (1810)		
c. 6	Lambeth (leases by Duchy of Cornwall).	
c. 22	Purchase of quays (Port of London)	Spent.
c. 110	Bringing of coals, etc., to London	Rep. 6 Geo. 4, c. 105.
c. 119	Houses of Parliament.	
c. v.	Norton Folgate Manor (lighting, watching, etc.)	Rep. Stepney Order in Council 1901.
c. xix.	St. Mary, Lambeth (poor relief rates)	Rep. Lambeth Order in Council 1901.
c. xxviii.	Westminster (Commissioners of Paving).	
c. xliiii.	St. Luke, Chelsea (burial ground)	Rep. Chelsea Order in Council 1901.
c. xlv.	Paddington (enlarging churchyard).	
c. xlv.	St. George the Martyr, Southwark (poor, etc.)	Rep. Southwark Order in Council 1901.
c. lxxi.	St. John, Hampstead (burial ground).	
c. lxxv.	Building regulations (London and Westminster)	Rep. 7 & 8 Vict. c. 84.
c. lxxxiii.	Hamlet of Ratcliffe (lighting, etc.)	Rep. Stepney Order in Council 1901.
c. lxxxiv.	Liberty of the Rolls (lighting, etc.)	Rep. Westminster Order in Council 1901.

Year, statute and chapter.	Subject matter.	Repeals, etc.
50 Geo. 3 (1810) (<i>cont.</i>)		
c. lxxxviii.	Highgate Archway Road	Rep. 47 & 48 Vict. c. xxi.
c. cxxxi.	Mile End Old Town (poor rates, workhouses, etc.)	Rep. Stepney Order in Council 1901.
c. cxxxii.	West Middlesex Waterworks ..	See 2 Edw. 7, c. 41.
c. cxlvii.	St. Pancras (Lucas Estate) ..	Rep. St. Pancras Order in Council 1901.
c. cxlix.	St. Luke, Middlesex (lighting, etc.)	Rep. Finsbury Order in Council 1901.
c. cli.	Holloway Waterworks.	
c. cli.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. clxiii.	Gas Light & Coke Company ..	Rep. 31 & 32 Vict. c. evi.
c. cxliv.	High Court of Chancery Buildings.	
c. clxx.	St. Pancras (Harrison Estate) ..	Rep. St. Pancras Order in Council 1901.
c. cxc.	St. John, Hackney (poor relief, etc.)	Rep. Hackney Order in Council 1901.
c. cxci.	St. George's Fields (extinguishing rights of common).	
c. cxcviii.	Bethlem Hospital.	
c. cciv.	Thames navigation	Rep. 57 & 58 Vict. c. clxxxvii.
c. ccvii.	Commercial Docks.	
c. ccviii.	St. Paul, Shadwell (lighting, etc.)	Rep. Stepney Order in Council 1901.
c. ccix.	St. Botolph without Aldgate (poor rates, etc.)	Rep. Stepney Order in Council 1901.
c. ccxiv.	Drury Lane Theatre	Rep. in part 52 Geo. 3, c. xix.
51 Geo. 3 (1811)		
c. 24	Clearance of vessels, London ..	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. 29	Bringing of coals, etc., to London	
c. 84	Parliamentary elections (corn and coal meters of the city of London)	
c. 104	Chelsea Hospital	Rep. 54 Geo. 3, c. 86.
c. 105	Royal Naval Asylum, Greenwich	Rep. 10 Geo. 4, c. 26.
c. 116	Tower burial ground.	
c. 119	Justices of the Peace (Metropolis)	
c. 126	Westminster (parliamentary elec- tions)	Rep. 36 & 37 Vict. c. 91.
c. xi.	Croydon and Deptford Canal.	
c. xiii.	Kensington Road	Rep. 6 Geo. 4, c. cxvii.
c. xxxii.	Christchurch, Surrey (poor rates and relief)	Rep. Southwark Order in Council 1901.
c. xlii.	Commercial Road, etc.	Rep. 9 Geo. 4, c. cxii.
c. xlix.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. lxiv.	St. Mary le Strand (paving, etc.) ..	Rep. in part Westminster Order in Council 1901.
c. lxvi.	Commercial Docks	Rep. 27 Vict. c. xxxi.
c. evii.	Clapham (poor rates, etc.) ..	Rep. Wandsworth Order in Council 1901.
c. cxv.	Bromley St. Leonard (poor rates)	Rep. Poplar Order in Council 1901.
c. cxxxiv.	St. Mary, Islington (chapel of ease, etc.)	Rep. 5 Geo. 4, c. cxv.
c. cxlv.	Kent Waterworks	Rep. in part 25 & 26 Vict. c. xlv.; and see 2 Edw. 7, c. 41.
c. cli.	Covent Garden (precinct made parochial).	
c. cli.	St. Mary le Bone (new parish church, etc.)	Rep. St. Marylebone Order in Council 1901.
c. cliii.	St. Botolph without Aldgate (poor rates)	Rep. Stepney Order in Council 1901.
c. clv.	St. Pancras (Brewers Company Estate)	Rep. St. Pancras Order in Council 1901.
c. clvi.	Kentish Town Junction Road ..	Rep. 3 & 4 Will. 4, c. c.
c. clxvi.	Southwark Bridge.	
c. clxix.	Grand Junction Waterworks ..	See 2 Edw. 7, c. 41.
c. clxx.	Grand Surrey Canal	Rep. 18 & 19 Vict. c. cxxxiv.
c. clxxi.	East County Dock.	
c. clxxv.	Great Dover Street	Rep. 10 Geo. 4, c. cxiii.

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
51 Geo. 3 1811) (cont.)		
c. excix.	Woolwich Ferry.	
c. cciii.	Temple Bar (widening of approaches).	
c. ccx.	St. Mary, Whitechapel (Charity Schools).	
c. ccxx.	Road from Kent Road to Deptford, etc.	
52 Geo. 3 (1812).		
c. 44	Penitentiary Houses (London and Middlesex)	Rep. 6 & 7 Vict. c. 26.
c. 49	Purchase of London quays ..	Rep. in part 2 & 3 Will. 4, c. 66.
c. 109	Chelsea Hospital	Rep. 7 Geo. 4, c. 16.
c. 123	Prince's Meadows, Lambeth (leases by Duchy of Cornwall).	
c. 132	Chelsea Hospital	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. viii.	Old Street Road	Rep. 7 Geo. 4, c. cxlii.
c. xiv.	The Clink, Southwark (paving, etc.)	Rep. Southwark Order in Council 1901.
c. xix.	Drury Lane Theatre.	
c. xlv.	Thames navigation	Rep. 57 & 58 Vict. c. clxxxvii.
c. xlviii.	Westminster (Commissioners of Sewers).	
c. lxxiv.	St. Pancras (Tottenham Court Road)	Rep. St. Pancras Order in Council 1901.
c. lxxv.	St. John, Wapping (poor, paving, etc.)	Rep. Stepney Order in Council 1901.
c. xcvi.	St. Mary, Woolwich (enabling Rector to grant building leases).	
c. cxi.	St. Mary Magdalen, Bermondsey; St. Mary, Newington	Rep. Bermondsey and Southwark Orders in Council 1901.
c. cxii.	Battersea (lighting, etc., certain roads)	Rep. in part 9 & 10 Vict. c. cccl.
c. cxiv.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. cxx.	Kentish Town Junction Road ..	Rep. 3 & 4 Will. 4, c. c.
c. cxl.	Grand Junction Canal.	
c. cxlvi.	Highgate Archway Company ..	Rep. 47 & 48 Vict. c. cxi.
c. cxlvii.	Vauxhall Bridge	Rep. in part 21 & 22 Vict. c. xxxii.
c. cxlviii.	Greenwich and Isle of Dogs Ferry	Superseded 46 & 47 Vict. c. clxxvii.
c. cxlix.	Street from Tower Hill to Upper East Smithfield	Rep. Stepney Order in Council 1901.
c. clv.	New North Road	Rep. 3 & 4 Will. 4, c. lxxxv.
c. clxxxiii.	Blackfriars Bridge.	
c. exciii.	Marylebone and Paddington (enabling Bishop of London to purchase certain waters and springs).	
c. cxev.	Regent's Canal.	
c. cxevii.	St. Mary, Lambeth (watching and lighting, etc.)	Rep. Lambeth Order in Council 1901.
c. cxeviii.	Road from Kent Road to Deptford, etc.	
c. ccv.	St. Paul, Shadwell (enabling Dean of St. Paul to grant building leases).	
c. ccix.	New debtors' prison (city of London).	
c. ccx.	Moorfields (enabling City Corporation to grant building leases).	
c. ccxi.	St. George's Fields.	
53 Geo. 3 (1813)		
c. 113	King's Bench, Fleet, and Marshalsea Prisons (poor prisoners' relief)	Rep. 24 & 25 Vict. c. 12.

Year, statute and chapter.	Subject matter.	Repeals, etc.
53 Geo. 3 (1813) (<i>cont.</i>)		
c. 121	Regent Street	Rep. in part 56 Geo. 3, c. 128; 5 Geo. 4, c. 100.
c. 132	Tower Hamlets Militia	Rep. 36 & 37 Vict. c. 91 (S.L.R.); 45 & 46 Vict. c. 49.
c. 135	Bringing of coal, etc., to London..	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. 152	Westminster elections	
c. 162	Penitentiary house (London and Middlesex)	
c. xxi.	St. Mary, Islington (poor relief, etc.)	Rep. 5 Geo. 4, c. cxxv.
c. xxxii.	Regent's Canal.	
c. xxxvi.	West Middlesex Waterworks ..	See 2 Edw. 7, c. 41.
c. xxxvii.	Mile End New Town (poor) ..	Rep. Stepney Order in Council 1901.
c. xxxviii.	Piccadilly and Park Lane ..	Rep. 7 Geo. 4, c. cxxi.
c. xlix.	Kentish Town (Probendary lands).	
c. lxii.	St. Marylebone and St. Pancras (street improvements)	Rep. 5 Geo. 4, c. 100.
c. lxxi.	Covent Garden Market	Rep. 9 Geo. 4, c. cxlii.
c. lxxii.	Street from Tower Hill to Upper East Smithfield	Rep. Stepney Order in Council 1901.
c. lxxxiv.	Hamlet of Poplar and Blackwall (paving, etc.)	Rep. Poplar Order in Council 1901.
c. lxxxv.	St. Mary Abbotts, Kensington (burying ground).	
c. lxxxvi.	Clapham (chapel of ease)	Rep. Wandsworth Order in Council 1901.
c. lxxxvii.	Southwark Bridge.	
c. xc.	Road from Kensington to Hounslow	Rep. 7 Geo. 4, c. cxlii.
c. cxii.	St. Leonard, Shoreditch (poor relief, etc.)	Rep. 21 & 22 Vict. c. cxxxii.
c. cxiii.	St. Matthew, Bethnal Green (paving, etc.)	Rep. Bethnal Green Order in Council 1901.
c. cxvi.	St. George the Martyr and St. Bride (relief of debtors in prison—repeal).	
c. clv.	South London Waterworks ..	Rep. 8 & 9 Vict. c. lxi.
c. clxii.	St. Giles, Camberwell (poor rate, etc.)	Rep. Camberwell Order in Council 1901.
c. clxiii.	St. Marylebone (paving, watching, etc.)	Rep. St. Marylebone Order in Council 1901.
c. clxv.	Marylebone Road.	
c. clxxxiv.	Waterloo Bridge.	
c. cxc.	St. Luke, Chelsea (leases of Chelsea Common).	
c. cxc.	St. Giles, Camberwell (leases of globe).	
54 Geo. 3 (1814)		
c. 17	City of London Militia	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 37	Police Magistrate (Metropolis) ..	Rep. 1 & 2 Geo. 4, c. 118.
c. 38	City of London Militia	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. 45	Purchase of legal quays (Port of London)	Spent.
c. 86	Chelsea Hospital	Rep. 2 & 3 Will. 4, c. 53.
c. 93	Greenwich Hospital	Rep. 27 & 28 Vict. c. 23.
c. 110	Greenwich Hospital	Rep. 10 Geo. 4, c. 26.
c. 147	Hackney coaches (London and Westminster)	Rep. 1 & 2 Will. 4, c. 22.
c. 154	Houses of Parliament.	
c. 187	Depredations on the Thames ..	Rep. 1 & 2 Geo. 4, c. 118.
c. v.	Bryanston Square.	
c. vi.	Dorset Square.	
c. vii.	Montagu Square.	
c. xl.	London Docks	Rep. 9 Geo. 4, c. cxvi.

Year, statute and chapter.	Subject matter.	Repeals, etc.
54 Geo. 3 (1814) (cont.)		
c. xli.	St. George, Middlesex	Rep. Stepney Order in Council 1901.
c. xliii.	Lewisham (poor, etc.)	Rep. Lewisham Order in Council 1901.
c. cxii.	Lambeth (enlarging churchyard, etc.)	
c. cxiii.	St. Mary, Newington (poor rates, etc.)	Rep. Southwark Order in Council 1901.
c. cxv.	St. Mary, Newington (King's Place Market, etc.)	Rep. 5 Geo. 4, c. 57.
c. cxvi.	Gas Light & Coke Company	Rep. 31 & 32 Vict. c. evi.
c. cxviii.	Faculty of Physics (meetings with- in Westminster).	
c. cxviii.	Stoke Newington (Prebendary land).	
c. cxviii.	Westminster Bridge Commissioners (vesting lands in)	Rep. 16 & 17 Vict. c. 46.
c. clxxi.	Greenwich and Isle of Dogs Ferry.	
c. clxxiii.	St. Pancras (paving, etc., certain streets)	Rep. St. Pancras Order in Council 1901.
c. cxci.	St. Ann, Limehouse (paving, watching, etc.)	Rep. Stepney Order in Council 1901.
c. cxix.	Tyburn and Uxbridge Roads	Rep. 7 Geo. 4, c. lxxvi.
c. cxix.	St. Giles, Camberwell (lighting, watching, etc.)	Rep. Camberwell Order in Council 1901.
c. cxix.	St. Botolph without Aldgate (pav- ing, lighting, etc.)	Rep. Stepney Order in Council 1901.
c. cxix.	Halliwel and Finsbury drainage ..	Rep. 18 & 19 Vict. c. 120.
c. cxix.	Precinct of St. Katherine (paving, etc.)	Rep. in part 55 Geo. 3, c. lxxviii.
c. cxix.	Thames navigation	Rep. 57 & 58 Vict. c. clxxxvii.
c. cxix.	East India Docks	Rep. 9 Geo. 4, c. xcv.
c. cxix.	St. Pancras (Calthorpe Estate) ..	Rep. St. Pancras Order in Council 1901.
c. cxix.	Hackney Road	Rep. 1 & 2 Geo. 4, c. cxii.
55 Geo. 3 (1815)		
c. 1	Greenwich Hospital	} Rep. 10 Geo. 4, c. 26.
c. 56	Greenwich Hospital	
c. 125	Chelsea Hospital	Rep. 5 & 6 Vict. c. 70.
c. 133	Chelsea and Greenwich Hospital ..	Rep. 10 Geo. 4, c. 26.
c. 175	Bringing of coal to London, etc. ..	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. iii.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. iv.	Tooting (repair of roads)	Rep. 2 Vict. c. iv.
c. xviii.	Woolwich Ferry	Rep. in part 56 Geo. 3, c. xxvii.
c. xxv.	St. Pancras (Southampton Estate)	} Rep. St. Pancras Order in Council 1901.
c. lviii.	Kentish Town (paving, etc.) ..	
c. lix.	Stamford Hill Road	Rep. 7 Geo. 4, c. cxlii.
c. lxxviii.	Precinct of St. Katharine (paving, etc.)	
c. lxxvi.	St. Mary Magdalen, Bermondsey ..	Rep. Bermondsey, Deptford, and Greenwich Orders in Council 1901.
c. lxxviii.	Caledonian Asylum.	
c. lxxix.	Commercial Road	Rep. 9 Geo. 4, c. cxii.
c. xci.	Cheapside and St. Martin's le Grand improvements.	
c. xciii.	Guildhall.	
c. xcvi.	New debtors' prison (city of London).	
c. xcix.	Sale of bread (City of London) ..	Rep. 3 Geo. 4, c. cvi.
56 Geo. 3 (1816)		
c. 35	Port of London (collection of tonnage duty)	Rep. 6 Geo. 4, c. 105.
c. 63	Millbank Penitentiary	Rep. 6 & 7 Vict. c. 26.
c. 99	British Museum (Elgin collection).	
c. 124	Bringing of coals, etc., to London	Rep. 36 & 37 Vict. c. 91 (S.L.R.).

Year, statute and chapter.	Subject matter.	Repeals, etc.
56 Geo. 3 (1816) (<i>cont.</i>)		
c. 128	Marylebone Park (paving, etc.) ..	Rep. 5 Geo. 4, c. 100.
c. iv.	Grand Junction Waterworks ..	See 2 Edw. 7, c. 41.
c. xi.	Southwark Bridge.	
c. xiii.	Surrey Theatre (extension of time)	Spent.
c. xx.	Highland Society of London (incorporation).	
c. xxi.	Vend and delivery of coals ..	Rep. 1 & 2 Will. 4, c. lxxvi.
c. xxvii.	Woolwich Ferry.	
c. xxviii.	St. George the Martyr (altering parish church).	
c. xxxix.	St. Pancras (new parish church) ..	Rep. 31 & 32 Vict. c. clx.
c. xlv.	Street from Tower Hill to Upper East Smithfield	Rep. Stepney Order in Council 1901.
c. liv.	St. James, Westminster (poor relief)	Rep. Westminster Order in Council 1901.
c. lv.	St. Saviour, Southwark (Paris Garden Manor)	Rep. 46 & 47 Vict. c. xi.
c. lvi.	St. George the Martyr, Southwark (enlarging churchyard)	Rep. Southwark Order in Council 1901.
c. lxiii.	Waterloo Bridge.	
c. lxxxii.	St. Pancras (paving, lighting, etc.)	Rep. St. Pancras Order in Council 1901.
c. lxxxiv.	High Court of Chancery buildings.	
c. lxxxv.	Regent's Canal.	
c. lxxxvii.	Gas Light & Coke Company ..	Rep. 31 & 32 Vict. c. evi.
57 Geo. 3 (1817)		
c. 24	Regent Street improvements.	
c. 54	Millbank Road.	
c. 77	Chelsea Hospital	Rep. 2 & 3 Will. 4, c. 53.
c. 97	Regent Street	Rep. in part 10 Geo. 4, c. 50.
c. 98	St. Marylebone Rectory.	
c. 114	Bringing of coals, etc., to London ..	Rep. 36 & 37 Vict. c. 91 (S.L.R.)
c. 116	Port of London (shipping horses) ..	Rep. 6 Geo. 4, c. 105.
c. 127	Greenwich Hospital	Rep. 27 & 28 Vict. c. 23.
c. i.	Vend and delivery of coal ..	Rep. 1 & 2 Will. 4, c. lxxvi.
c. vii.	St. Olave, Southwark (new rectory, etc.).	
c. xiv.	Kentish Town (lighting and watching)	Rep. 4 & 5 Vict. c. lxvii.
c. xxiii.	City of London Gas Light & Coke Company	Rep. 22 & 23 Vict. c. lii.
c. xxix.	Metropolitan paving.	
c. xxxiv.	Hamlet of Poplar and Blackwall.	
c. xxxv.	Christchurch, Surrey (enlarging churchyard)	Rep. Southwark Order in Council 1901.
c. xl.	Land coal moters (Westminster) ..	Rep. 1 & 2 Will. 4, c. lxxvi.
c. xlviii.	Christchurch (Old Paris Garden Lane)	Rep. Southwark Order in Council 1901.
c. lx.	Gauger of the city of London.	
c. lxii.	Commercial Docks.	
c. lxxii.	St. Paul, Shadwell (rebuilding church, etc.)	Rep. Stepney Order in Council 1901.
c. lxxiii.	St. John, Wapping (workhouse, etc.)	
c. lxxvi.	Royal Naval Asylum.	
58 Geo. 3 (1818)		
c. 62	Bringing of coals, etc., to London ..	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. 74	Chelsea Hospital	Rep. 7 Geo. 4, c. 16.
c. xvi.	Grand Junction Canal.	
c. xxviii.	Waterloo Bridge.	
c. lxii.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. lxxviii.	Southwark Bridge.	
c. lxxvi.	Southwark (repairing roads) ..	Rep. 9 Geo. 4, c. cxx.

Year, statute and chapter.	Subject matter.	Repeals, etc.
58 Geo. 3 (1818) (<i>cont.</i>)		
c. lxxviii.	Greenwich and Woolwich Lower Road	Rep. 5 Geo. 4, c. lvi.
c. 2 (Priv.)	St. Martin's Almshouses (disposal of).	
c. 22 (Priv.)	St. Paul's School (acquisition of land).	
59 Geo. 3 (1819)		
c. 2	Westminster (parliamentary elections)	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. 36	Making and sale of bread (London)	} Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 64	Warden of the Fleet Prison ..	
c. 79	Bringing of coal, etc., to London ..	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. 136	Millbank Penitentiary	Rep. 6 & 7 Vict. c. 26.
c. xi.	St. George the Martyr (improving churchyard).	
c. xv.	St. John, Wapping (workhouse).	
c. xx.	Gas Light and Coke Company ..	Rep. 31 & 32 Vict. c. cvi.
c. xxi.	Bermondsey (Long Lane) ..	Rep. 8 & 9 Vict. c. clxxvii.
c. xxiii.	St. James, Westminster (paving, etc.)	Rep. Westminster Order in Council 1901.
c. xxxv.	St. Luke, Chelsea (new church, etc.)	Rep. in part Chelsea Order in Council 1901.
c. xxxix.	St. Pancras (select vestry) ..	Rep. St. Pancras Order in Council 1901; in part revived by St. Pancras (Supplemental) Order in Council 1901.
c. xlvii.	Kilburn Road	Rep. 7 Geo. 4, c. cxlii.
c. lxvi.	Regent's Canal.	
c. lxxiii.	St. Giles and St. George, Bloomsbury (paving, etc.)	Rep. Holborn Order in Council 1901.
c. cii.	Harrow Road	Rep. 7 Geo. 4, c. xci.
c. cxi.	Grand Junction Canal and Regent's Canal.	
c. cxix.	Westminster and Holborn and Middle Row	Rep. Holborn Order in Council 1901.
c. cxx.	Edwardes Square, etc., Kensington	Rep. in part 14 & 15 Vict. c. cxvi.
c. cxvii	Sale of bread (city of London, etc.)	Rep. 3 Geo. 4, c. cvi.
c. 45 (Priv.)	London House, St. James Square (rebuilding, of).	
60 Geo. 3 & 1 Geo. 4 (1819-20)		
c. i.	Sale of bread	Rep. 3 Geo. 4, c. cvi.
c. iii.	Jeremy's Ferry (bridge at) ..	Rep. 7 Geo. 4, c. cxlii.
1 Geo. 4 (1820)		
c. 54	Bringing of coals, etc., to London	} Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. 66	Police Magistrates (Metropolis) ..	
c. 100	Militia (city of London)	
c. 106	Greenwich Hospital (livings).	
c. iv.	Sale of bread	Rep. 3 Geo. 4, c. cvi.
c. xli.	St. Mary, Newington (two new churches).	
c. xlii.	St. Mary, Rotherhithe	Rep. Bermondsey Order in Council 1901.
c. xlix.	Southwark Bridge.	
c. lix.	St. Dunstan (city of London).	
c. lx.	Theatre Royal, Drury Lane.	
1 & 2 Geo. 4 (1821)		
c. 45	Westminster improvements.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
1 & 2 Geo. 4 (1821) (cont.)		
c. 50	Making and sale of bread (London).	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 52	Haymarket and Regent Street.	
c. 89	Wharves (city of London).	
c. 98	Greenwich Hospital	Rep. 10 Geo. 4, c. 26.
c. 118	Police Magistrates (Metropolis) ..	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. xxi.	St. Marylebone (building of four churches)	Rep. St. Marylebone Order in Council 1901.
c. xxiv.	St. Pancras (new parish church) ..	Rep. 31 & 32 Vict. c. clx.
c. xliii.	Regent's Canal.	
c. li.	South London Gas Light & Coke Company.	
c. lii.	Whitechapel Road (lighting with gas).	
c. lv.	Manor of Lambeth (Rush Common).	
c. lxxvii.	St. Luke, Chelsea (poor and high- way rates)	Rep. 8 & 9 Vict. c. cxliiii.]
c. lxxix.	Brentford Gas Company (Hammer- smith, Kensington, etc.)	Rep. 21 & 22 Vict. c. xlv.
c. lxxii.	Mile End Old Town (lighting, etc.)	Rep. Stepney Order in Council 1901.
c. lxxiv.	Poplar Gas Light Company ..	See 13 & 14 Vict. c. lxxxii.
c. lxxvii.	London Institution.	
c. ex.	Highgate and Hampstead Roads..	Rep. 7 Geo. 4, c. cxlii.
c. cxii.	Hackney Road	
c. cxvii.	Imperial Gas Light & Coke Com- pany	Rep. 17 & 18 Vict. c. lv.
c. cxix.	Thames lastage and ballastage ..	Rep. 6 & 7 Vict. c. lvi.
3 Geo. 4 (1822)		
c. 55	Police Magistrates (Metropolis) ..	Rep. 3 & 4 Will. 4, c. 19.
c. 57	Chelsea Hospital	Rep. 7 Geo. 4, c. 16.
c. 58	Westminster improvements (Par- liament Street).	
c. lxxi.	Greenwich (new church).	
c. lxxx.	Somers Town, St. Pancras (paving, etc.)	Rep. St. Pancras Order in Council 1901.
c. lxxxii.	Camden Town, St. Pancras (light- ing, etc.)	
c. lxxxiv.	St. Marylebone (poor relief, etc.) ..	Rep. St. Marylebone Order in Council 1901.
c. evi.	Sale of bread (city of London) (Repealing Act).	
c. evii.	County rates assessment (Middle- sex).	
c. cix.	Waterworks at London Bridge (removal of)	
c. exi.	Thames lastage and ballastage.	
c. cxii.	Bermondsey, Lambeth, and Newing- ton (lighting, etc.)	Rep. Bermondsey, Lambeth, and Southwark Orders in Council 1901.
c. cxiii.	The Orphans Fund.	
c. cxiv.	Caledonian Asylum.	
4 Geo. 4 (1823)		
c. 50	London Bridge.	
c. iv.	Portman Square (amendment).	
c. xxi.	St. Matthew, Bethnal Green (select vestry, etc.)	Rep. Bethnal Green Order in Council 1901.
c. lxxviii.	St. Paul, Shadwell (rebuilding church, etc.)	Rep. Stepney Order in Council 1901.
c. lxx.	Greenwich (lighting, watching, etc.)	Rep. Greenwich Order in Council 1901.
c. lxxxiii.	Woolwich Gas Light Company.	
c. lxxv.	St. Mary Magdalen, Bermondsey (lighting, etc.)	Rep. 8 & 9 Vict. c. clxxvii.

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
4 Geo. 4 (1823) (cont.) c. lxxxiv.	Bermondsey, Rotherhithe, and Deptford Roads	Rep. Bermondsey, Deptford, and Greenwich Orders in Council 1901.
c. xci.	Bermondsey (repairing highways, etc.)	Rep. 8 & 9 Vict. c. clxxvii. Rep. 17 & 18 Vict. c. lv.
c. xcv.	Imperial Gas Light & Coke Co. ..	
c. xcviii.	Ratcliff Gas Light & Coke Company	Rep. 18 & 19 Vict. c. xii. Rep. 11 & 12 Vict. c. clxiii.
c. cxiv.	City of London (drains, paving, etc.)	
c. cxvi.	Southwark Bridge.	
c. cxviii.	St. Andrew, Holborn (extinguishing tithes, etc.).	
c. cxix.	Gas Light and Coke Company ..	Rep. 31 & 32 Vict. c. cvi.
c. cxxiii.	Southwark (small debts recovery)	Semble rep. 9 & 10 Vict. c. 95.
c. cxxiv.	London Docks	Rep. 9 Geo. 4, c. cxvi.
c. cxxv.	Licensing alehouses (Middlesex).	
c. 18 (Priv.)	Philanthropic Society (purchase of lands).	
5 Geo. 4 (1824)		
c. 39	British Museum.	
c. 43	Duties on coal brought to London	Rep. 6 Geo. 4, c. 105.
c. 50	Price and assize of bread (London)	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 60	British Museum (Knight's Collection).	
c. 75	St. Pancras (Excise)	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 100	Regent's Park and Regent Street.	
c. 107	Chelsea Hospital	Rep. 2 & 3 Will. 4, c. 53.
c. v.	Female Orphan Asylum.	
c. xlvi.	Hertford Union Canal (Bow to Bethnal Green).	
c. lvi.	Greenwich and Woolwich Lower Road	Expired.
c. lxi.	City Road	Rep. 7 Geo. 4, c. cxlii.
c. lxv.	Kensington Canal (Counter's Creek).	
c. lxx.	St. Pancras (Battle Bridge Fields)	Rep. St. Pancras Order in Council 1901.
c. lxxiv.	St. John, Southwark (poor rates)	Rep. Bermondsey Order in Council 1901.
c. lxxviii.	Phoenix Gas Light & Coke Co.	See Order in Council (1880) made under 39 & 40 Vict. c. cexxix. Rep. 14 & 15 Vict. c. cxvi.
c. cviii.	Brompton Square, Kensington ..	
c. cxii.	Hammersmith Suspension Bridge.	
c. cxxiii.	Thames navigation	Rep. 57 & 58 Viet. c. clxxxvii.
c. cxxv.	St. Mary, Islington (poor, etc.) ..	Rep. Islington Order in Council 1901.
c. cxxvi.	Paddington (paving, etc.)	Rep. Paddington Order in Council 1901.
c. cxxxviii.	Road from Hampstead Road to North Road, Holloway	Rep. St. Pancras Order in Council 1901.
c. cxliv.	Commercial Road, etc.	Rep. 9 Geo. 4, c. cxii.
c. cxlvii.	Coal market (city of London).	
c. cli.	Fleet Market (removal of).	
c. clv.	Southwark Bridge.	
c. clvi.	Thames Tunnel (Wapping to Rotherhithe)	Rep. in part 29 Vict. c. xx.
6 Geo. 4 (1825)		
c. 21	Justice of the Peace (Metropolis)	Rep. 3 & 4 Will. 4, c. 19.
c. 26	Greenwich Hospital	Rep. 10 Geo. 4, c. 26.
c. 38	Road from Regent's Park to Pall Mall.	
c. 77	Buckingham Palace	Rep. 10 Geo. 4, c. 50.
c. 124	St. Marylebone (district rectories)	Rep. St. Marylebone Order in Council 1901.
c. xxxi.	Vauxhall Bridge.	See 58 & 59 Vict. c. cxxix.

Year, statute and chapter.	Subject matter.	Repeals, etc.
6 Geo. 4 (1825) (<i>cont.</i>)		
c. lvi.	St. Luke, Chelsea (new church) ..	Rep. Chelsea Order in Council 1901.
c. lvii.	St. Mary, Stratford Bow (burial ground)	Rep. Poplar Order in Council 1901.
c. lxiv.	East Country Docks	Rep. 27 Viet. c. xxxi.; and see 14 & 15 Viet. c. xliii.
c. cv.	St. Katharine's Dock	Rep. in part 27 & 28 Viet. c. clxxviii.
c. cxviii.	South London Docks.	
c. cxix.	Collier Dock (Isle of Dogs) ..	Powers not exercised.
c. cxxxiv.	St. John, Westminster (paving, etc.)	Rep. Westminster Order in Council 1901.
c. clvi.	Road from Holloway to Battle Bridge Road	Rep. 11 & 12 Viet. c. xlviii.
c. clvii.	Kensington Road	Rep. 7 Geo. 4, c. cxlii.
c. clx.	Fulham Road.	
c. clxxv.	St. Andrew, Holborn (poor rates, etc.)	Rep. Holborn Order in Council 1901
c. clxxvi.	St. Botolph without Bishopsgate (tithes).	
c. cxcv.	St. Dunstan-in-the-East.	
c. 18 (Priv.)	St. Luke, Chelsea (leasing of glebe lands).	
c. 28 (Priv.)	Christ's Hospital.	
c. 45 (Priv.)	Paddington (enabling Bishop of London to grant leases).	
c. 46 (Priv.)	St. Thomas Hospital (confirming leases).	
c. 47 (Priv.)	Lambeth (building licences by Archbishop of Canterbury).	
c. 48 (Priv.)	Christ's Hospital (confirming leases).	
c. 49 (Priv.)	Bridewell Hospital (confirming leases)	Rep. 1 Edw. 7, c. cxci.
c. 50 (Priv.)	Bethlem Hospital (confirming leases)	Rep. 1 Edw. 7, c. cccxxxix.
c. 51 (Priv.)	St. Bartholomew Hospital (con- firming leases).	
c. 58 (Priv.)	Greenwich Hospital (Brixton's Estate).	
7 Geo. 4 (1826)		
c. 16	Chelsea Hospital.	
c. 35	Greenwich Hospital	Rep. 10 Geo. 4, c. 26.
c. 40	London Bridge	Rep. 36 & 37 Viet. c. 91 (S.L.R.).
c. 77	Regent Street (Carlton Gardens).	
c. 78	Houses of Parliament (street im- provements).	
c. xxxv.	Camberwell New Road	Rep. Camberwell, Lambeth, and Southwark Orders in Council 1901.
c. xlii.	Westminster Bridewell.	
c. liv.	St. Giles, Cripplegate (extinguish- ing tithes).	
c. lv.	Now corn exchange, Mark Lane.	
c. lviii.	St. George, Hanover Square, and St. Luke, Chelsea (paving, light- ing, etc.)	Rep. Chelsea and Westminster Orders in Council 1901.
c. lx.	Belvidere Road Bridge, Lambeth.	
c. lxiii.	All Saints, Wandsworth (poor rates)	Rep. Wandsworth Order in Council 1901.
c. lxviii.	School for the Indigent Blind.	
c. lxxvi.	Tyburn and Uxbridge Roads ..	Rep. 7 Geo. 4, c. cxlii.
c. xc.	Marylebone and Finchley Roads	Rep. 33 & 34 Viet. c. 73.
c. xci.	Harrow Road	Rep. 7 Geo. 4, c. cxlii.
c. xevi.	Kensington Canal (Counters Creek)	
c. civ.	St. Mary Magdalen, Bermondsey (additional church)	Rep. 48 & 49 Viet. c. cxvi.

Year, statute and chapter.	Subject matter.	Repeals, etc.
7 Geo. 4 (1826) (<i>cont.</i>) c. cxiii.	St. Mary Abbots, Kensington (poor, etc.)	Rep. Kensington Order in Council 1901.
c. cxiv.	St. Bride, Fleet Street (poor relief).	
c. cxvi.	St. Botolph without Aldersgate (extinguishing tithes).	
c. cxxi.	St. George, Hanover Square (pav- ing, etc.)	Rep. Westminster Order in Council 1901.
c. cx xv.	New Cross roads.	Expired.
c. cxl.	Grand Junction Waterworks and Canal	Rep. in part 19 & 20 Vict. c. cxvi.
c. cxlii.	Turnpike roads north of the Thames	Rep. 34 & 35 Vict. c. 115.
c. 22 (Priv.)	St. Paul, Shadwell (parsonage house).	
c. 25 (Priv.)	Hampstead and St. Marylebone (Eton College lands).	
c. 46 (Priv.)	St. Mary, Lambeth (Pedlar's Acre)	Rep. Lambeth Order in Council 1901.
7 & 8 Geo. 4 (1826-7) c. 33	Millbank Penitentiary	Rep. 6 & 7 Vict. c. 26.
c. xxiii.	St. John, Horslydown (further provision for rector).	
c. xxx.	London Bridge.	
c. xxxiii.	Westminster Commissioners of Sewers (Sun Court, Curzon Street).	
c. xxxix.	Camberwell New Road	Rep. Camberwell, Lambeth, and Southwark Orders in Council 1901.
c. xlix.	Golden Square, St. James, West- minster.	
c. xlv.	Kentish Town, St. Pancras ..	Rep. St. Pancras Order in Council 1901.
c. lxxv.	Thames watermen and lightermen	Rep. in part 22 & 23 Vict. c. cxxxiii.
c. lxxxix.	St. Marylebone and St. Pancras (boundaries)	Rep. St. Marylebone Order in Council 1901.
c. xci.	St. John, Hampstead (church accommodation)	Rep. in part Hampstead Order in Council 1901.
c. cviii.	Bow Bridge and Channelsea Bridge	Rep. 39 & 40 Vict. c. ccxx.
c. 54 (Priv.)	Fulham (enabling Bishop of London to grant building licences).	
9 Geo. 4 (1828) c. 9	Sessions of the Peace, Westminster	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 64	Regent Street and Houses of Parlia- ment.	
c. 70	Regent Street, etc.	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. xliii.	East Greenwich (poor relief) ..	Rep. Greenwich Order in Council 1901.
c. lii.	Hammersmith Suspension Bridge.	
c. lxiii.	Thames Tunnel	Rep. 29 Vict. c. xx.
c. xcv.	East India Docks.	
c. ciii.	North End and Hammersmith Roads.	
c. cxi.	Southwark Bridge (southern ap- proach).	
c. cxii.	Commercial Road	Rep. 33 & 34 Vict. c. 73.
c. cxiii.	Covent Garden Market.	
c. cxvi.	London Docks.	
c. cxx.	Southwark and Highgate Roads.	
c. 45 (Priv.)	Walcott and Hayle's Charities.	
10 Geo. 4 (1829) c. 25	Greenwich Hospital.	Rep. 37 & 38 Vict. c. 35 (S.L.R.).
c. 26	Greenwich Hospital (out pensions)	
c. 44	Metropolitan Police.	
c. 45	Justices of the Peace (Metropolis)	Rep. 36 & 37 Vict. c. 91 (S.L.R.).
c. 59	Metropolitan turnpikes	Rep. 34 & 35 Vict. c. 115.
c. 61	Regent Street, etc.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
10 Geo. 4 (1829) (<i>cont.</i>)		
e. i.	St. Katharine's Dock	Rep. 27 & 28 Viet. c. clxxviii.
e. vii.	St. Mary, Stratford Bow (vestry, etc.)	Rep. Poplar Order in Council 1901.
e. xii.	Imperial Gas Light & Coke Com- pany	Rep. 17 & 18 Viet. c. lv.
e. xxxi.	St. Clement Danes, St. Mary le Strand, and Precinct of Savoy (redemption of land tax).	
e. xxxii.	St. Andrew, Holborn, etc. (poor) ..	Rep. Holborn Order in Council 1901.
e. lxxvii.	West India Dock	Rep. 1 & 2 Will. 4, c. lii.
e. lxxviii.	St. Paul, Covent Garden	Rep. Westminster Order in Council 1901.
e. xcvi.	St. Dunstan in the West (new church).	
e. ci.	St. James, Clerkenwell (paving, etc.)	Rep. Finsbury Order in Council 1901.
e. cxiii.	Great Dover Street	Discontinued 24 & 25 Viet. c. 64.
e. cxvi.	Chancery Inrolment Office.	
e. cxvii.	East London Waterworks ..	See 2 Edw. 7, c. 41.
e. cxviii.	Independent Gas Light & Coke Company.	
e. cxix.	St. Saviour, Southwark (market).	
e. cxxiv.	Port of London	Rep. 57 & 58 Viet. c. clxxxvii.
e. cxvii.	British Gas Light Company ..	Rep. 15 & 16 Viet. c. clv.
e. cxviii.	Southwark (lighting, etc., certain streets)	Rep. Southwark Order in Council 1901.
e. cxix.	St. Mary, Lambeth (lighting, etc.).	Rep. Lambeth Order in Council 1901.
e. cxxx.	City Canal (Isle of Dogs)	Rep. 1 & 2 Will. 4, c. lii.
e. cxxxi.	St. Mary, Rotherhithe (poor rate)	Rep. Bermondsey Order in Council 1901.
e. cxxxvi.	London Bridge approaches.	
e. 6 (Priv.)	Lambeth Palace (repairing, etc.).	
e. 28 (Priv.)	York Buildings Waterworks (dis- solution of company).	
e. 43 (Priv.)	London Workhouse.	
e. 45 (Priv.)	Dean, etc., of St. Paul to grant building leases.	
e. 46 (Priv.)	Dean, etc., of St. Paul to grant building leases.	
e. 49 (Priv.)	St. Mary, Newington Butts (glebe lands).	
11 Geo. 4 & 1 Will. 4 (1830)		
c. 14	Hay and straw (Metropolis).	
c. 41	Chelsea Hospital (pensions).	
c. 59	Marylebone Chapel	Rep. in part 4 Edw. 7, c. xlvi., and 5 Edw. 7, c. vii.
c. x.	St. Giles in the Fields and St. George, Bloomsbury	Rep. Holborn Order in Council 1901.
e. xiii.	St. Katharine's Docks	Rep. in part 27 & 28 Viet. c. clxxviii.
e. xlv.	Great Dover Street, Trinity Square, etc.	Rep. Southwark Order in Council 1901.
e. lxiv.	London Bridge approaches.	
e. lxx.	Hungerford Market Co. (incorpora- tion of)	See 23 & 24 Viet. c. cxlvii.
e. lxxi.	Portman Market, St. Marylebone.	
e. cxxii.	St. George Bloomsbury (prohibit- ing burying in a chapel of ease intended to be built).	
e. 44 (Priv.)	New River water	See 2 Edw. 7, c. 41.
e. 48 (Priv.)	Roan's Charity, Greenwich.	
1 Will. 4 (1830-1)		
c. iii.	London Bridge approaches.	
e. xix.	School for the Indigent Blind.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
1 Will. 4 (1830-1) (<i>cont.</i>) c. xxii.	St. Mary Magdalene, Bermondsey (Crypt and tower of the additional church)	Rep. 48 & 49 Vict. c. cxvi.
1 & 2 Will. 4 (1831)		
c. 1	Buckingham House	Rep. 37 & 38 Vict. c. 35 (S.L.R.).
c. 22	London hackney carriages.	
c. 29	Wellington Street and Bow Street.	
c. 50	Fresh Wharf, London.	
c. iii.	Grosvenor Chapel, St. George, Hanover Square.	
c. lii.	West India Docks.	
c. lxxvi.	Vend and delivery of coal.	
2 & 3 Will. 4 (1831-2)		
c. 3	Buckingham Palace	Rep. 37 & 38 Vict. c. 35 (S.L.R.).
c. 46	British Museum.	
c. 53	Chelsea Hospital (Army prize money).	
c. 56	Regent Street and Regent's Park.	
c. 66	London quays.	
c. xiii.	St. Luke, Old Street (watching, etc.)	Rep. Finsbury Order in Council 1901.
c. xxiii.	London Bridge approaches.	
c. xxvi.	St. Mary, Islington (Ecclesiastical burdens)	Rep. Islington Order in Council 1901.
c. xlix.	St. Katharine's Dock	Rep. 27 & 28 Vict. c. clxxviii.
c. lxx.	Tower Hamlets (Recovery of small debts)	Semble rep. 9 & 10 Vict. c. 95.
c. lxvi.	St. Andrew, Holborn, and St. George the Martyr	Rep. Holborn Order in Council 1901.
c. cx.	General cemetery (Metropolis).	
c. cxiii.	Portman Market.	
3 & 4 Will. 4 (1833)		
c. 8	London quays.	
c. 9	Seamen's Hospital Society (Incorporation of)	
c. 19	Police Magistrates (Metropolis) ..	Rep. 2 & 3 Vict. c. 71.
c. 29	Chelsea Hospital.	
c. 48	London Hackney Carriages.	
c. 65	Woolwich Dockyard.	
c. 66	Duties of package, etc., Corporation of London	Rep. 37 & 38 Vict. c. 35 (S.L.R.).
c. 81	Buckingham Palace	
c. 89	Metropolitan Police	Rep. 31 & 32 Vict. c. 67.
c. xxxiii.	St. Giles, Camberwell (Poor rates)	Rep. Camberwell Order in Council 1901.
c. xxxvi.	London & Birmingham Railway	Rep. 9 & 10 Vict. c. cciv.
c. xlvi.	London & Greenwich Railway ..	See 8 & 9 Vict. c. lxxx.
c. lxxxv.	New North Road	Rep. 12 & 13 Vict. c. lxvi.
c. c.	Kentish Town junction road ..	Discontinued 28 & 29 Vict. c. 107.
c. cx.	Serjeants' Inn and St. Dunstan in the West.	
c. cxvii.	St. George's Fund Society (Troopers Fund), dissolution of.	
c. cxviii.	Blackfriars Bridge.	
c. cxxi.	Thames Tunnel	Rep. in part 29 Vict. c. xx.
c. 4 (Priv.).	Sir J. Soane's Museum.	
4 & 5 Will. 4 (1834)		
c. 20	Sale of fish	Rep. 31 & 32 Vict. c. 45.
c. 21	Hay and straw (Metropolis).	
c. 32	Port of London (Tonnage rates) ..	Rep. 57 & 58 Vict. c. clxxxvii.
c. 34	Greenwich Hospital	Rep. 32 & 33 Vict. c. 44.
c. 36	Central Criminal Court (Jurisdiction).	

Year, statute and chapter.	Subject matter.	Repeals, etc.
4 & 5 Will. 4 (1834) (<i>cont.</i>)		
c. 96	Bayswater sewer	Superseded 18 & 19 Vict. c. 120.
c. vii.	Lambeth Waterworks	Rep. 11 & 12 Vict. c. vii.
c. xiii.	London Bridge approaches . .	Spent.
c. xxxviii.	St. George's Hospital, Hyde Park Corner.	
c. xlv.	South London Market, Southwark.	
c. lviii.	St. George, Hanover Square, and St. Luke, Chelsea	Rep. Chelsea and Westminster Orders in Council 1901.
c. lxxv.	St. Paul, Hammersmith (constitu- tion as a separate parish).	
c. lxxvii.	Office of constable in the city of London.	
c. lxxviii.	South London Waterworks . . .) Rep. 8 & 9 Vict. c. lxxix.
c. lxxix.	Southwark Water Company . . .	
c. lxxxviii.	London & Southampton Railway	See 2 & 3 Vict. c. xxviii.
c. lxxxix.	Bow and Channelsea Bridges.	
c. xcv.	St. Mary Magdalen, Bermondsey (paving, etc.)	Rep. 8 & 9 Vict. c. elxxxvii.
c. 35 (Priv.)	City of London School.	
5 & 6 Will. 4 (1835)		
c. 35	Chelsea Hospital.	
c. x.	London & Croydon Railway . .	See 9 & 10 Vict. c. cclxxxiii.
c. xiii.	Deptford Pier.	
c. xviii.	St. Margaret, etc., Westminster; Saffron Hill, etc. (paving, cleans- ing, etc.)	Rep. Holborn, Lambeth and West- minster Orders in Council 1901.
c. xxiii.	Avonue Road, St. Marylebone . .	Rep. 33 & 34 Vict. c. 73.
c. xliii.	Grosvenor Square.	
c. xlv.	East India Docks.	
c. lvi.	London and Birmingham Railway	Rep. 9 & 10 Vict. c. cci.
c. xciv.	Recovery of small debts (City of London)	Seem rep. 10 & 11 Vict. c. lxxi.
c. xcv.	Grand Junction Waterworks . .	See 2 Edw. 7, c. 41.
c. cvi.	Registrar's office, Court of Chancery.	
c. cvii.	Great Western Railway (London to Bristol).	
c. cxi.	Cattle Market, Islington	Rep. 17 & 18 Vict. c. lxxiii.
6 & 7 Will. 4 (1836)		
c. 24	St. Ann's Chapel, Wandsworth (Confirmation of marriages).	
c. 50	Horse patrol (Metropolis) . .	Rep. 2 & 3 Vict. c. 47.
c. vii.	Middlesex Hospital (Incorporation of subscribers).	
c. xx.	Westminster Hospital (Incorporation of governors).	
c. xxxi.	St. Katharine's Dock.	
c. xxxviii.	Great Western Railway.	
c. lxiii.	Deptford Pier Junction Railway.	
c. lxxviii.	Hungerford Market Company . .	See 23 & 24 Vict. c. cxlvii.
c. lxxix.	King Street, Greenwich	Seem spent.
c. lxxv.	South Eastern Railway.	
c. lxxix.	Birmingham, Bristol & Thames Junction Railway (West London Railway)	See 3 & 4 Vict. c. cv.
c. ciii.	Northern & Eastern Railway (London and Cambridge) . . .	See 7 & 8 Vict. c. xx.
c. civ.	London Grand Junction Railway.	
c. cvi.	Eastern Counties Railway . .	See 25 & 26 Vict. c. cexxiii.
c. cxi.	London & Croydon Railway . .	See 9 & 10 Vict. c. cclxxxiii.
c. cxxiii.	Commercial Railway (London and Blackwall)	See 28 & 29 Vict. c. c.
c. cxxviii.	Greenwich Pier.	
c. cxxix.	South Metropolitan Cemetery.	

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
6 & 7 Will. 4 (1836) (<i>cont.</i>)		
c. cxxxiii.	Hungerford Bridge	See 22 & 23 Vict. c. lxxxi. and 23 & 24 Vict. c. cxlvii.
c. cxxxiv.	Bridge from Church Street, Lam- beth, to Market Street, Westmin- ster	Expired. See 24 & 25 Vict. c. cxvii.
c. cxxxvi.	London Cemetery Company.	
c. cxxxvii.	Westminster (Recovery of small debts)	Rep. Westminster Order in Council 1901.
c. 24 (Priv.)	Christ's Hospital (Confirming lease).	
7 Will. 4 & 1 Vict. (1837)		
c. 13	Millbank Penitentiary	Rep. 6 & 7 Vict. c. 26.
c. 36, s. 8	Post Office offences (St. Martin le Grand).	
c. 37	Justice of the Peace (Metropolis) ..	Rep. 2 & 3 Vict. c. 71.
c. 46	Record Office.	
c. 77	Central Criminal Court.	
c. 1.	London & Greenwich Railway ..	See 8 & 9 Vict. c. lxxx.
c. lvi.	Greenwich Pier.	
c. lxiv.	London & Birmingham Railway ..	Rep. 9 & 10 Vict. c. cciv.
c. lxxi.	London & Southampton Railway ..	See 2 & 3 Vict. c. xxvii.
c. xci.	Great Western Railway.	
c. xcii.	Great Western Railway.	
c. xciii.	South Eastern Railway.	
c. cxiv.	South London Market, Southwark.	
c. cxix.	London & Brighton Railway ..	See 9 & 10 Vict. c. cclxxxiii.
c. cxx.	London & Greenwich Railway (Deptford Creek tolls)	See 8 & 9 Vict. c. lxxx.
c. cxxiii.	Grand Collier Docks	Powers not exercised.
c. cxxx.	West of London & Westminster Cemetery Company.	
c. cxxxiii.	Commercial Railway (London and Blackwall)	See 28 & 29 Vict. c. c.
1 & 2 Vict. (1837-8)		
c. 7	Houses of Parliament.	
c. 75	Fires prevention (Metropolis) ..	Rep. in part 37 & 38 Vict. c. 96 (S.L.R.); 51 & 52 Vict. c. 57 (S.L.R.).
c. 79	Hackney carriages (Metropolis) ..	Rep. 6 & 7 Vict. c. 86.
c. 89	Chelsea Hospital (Drouly Fund).	
c. 94	Public Record Office.	
c. iv.	London & Greenwich Railway (Extension of time)	See 8 & 9 Vict. c. lxxx.
c. ix.	East & West India Docks (Amal- gamation).	
c. xx.	London & Croydon Railway ..	See 9 & 10 Vict. c. cclxxxiii.
c. liv.	Lee (new church).	
c. lxvii.	Bridge from Church Street, Lam- beth, to Market Street, West- minster	Expired. See 24 & 25 Vict. c. cxvii.
c. lxxi.	Refuge for the Destitute (Incor- poration).	
c. lxxii.	St. Luke's Hospital for Lunatics (Incorporation).	
c. lxxx.	Eastern Counties Railway ..	See 25 & 26 Vict. c. ccxxiii
c. lxxxiii.	New street from Holborn Bridge to Clerkenwell Green.	
c. c.	Royal Exchange (City of London.)	
c. ci.	Vend and delivery of coal (London and Westminster)	Expired.
2 & 3 Vict. (1839)		
c. 10	British Museum.	
c. 47	Metropolitan Police.	
c. 71	Metropolitan Police Courts.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
2 & 3 Vict. (1839) (cont.)		
c. 80.	New thoroughfares (Metropolis).	
c. iv.	Tooting (Repairing roads).	
c. v.	General Cemetery Company (Metropolis).	
c. xiv.	New Cross roads.	
c. xviii.	London & Croydon Railway ..	See 9 & 10 Vict. c. cclxxxiii.
c. xix.	London & Greenwich Railway ..	See 8 & 9 Vict. c. lxxx.
c. xxvii.	Great Western Railway.	
c. xxviii.	London & South Western Railway.	
c. xxxix.	London & Birmingham Railway ..	Rep. 9 & 10 Vict. c. cciv.
c. xlii.	South Eastern Railway.	
c. lxxv.	Deptford Pier Junction Railway.	
c. lxxvii.	Northern & Eastern Railway ..	} See 7 & 8 Vict. c. xx.
c. lxxviii.	Northern & Eastern Railway (Station at Shoroditch)	
c. xciv.	City of London Police.	
c. xcv.	Commercial Railway (London and Blackwall)	See 28 & 29 Vict. c. c.
c. cvii.	London Bridge approaches ..	Spent.
c. 20 (Priv.)	Bothlom Hospital (Sale of land).	
c. 27 (Priv.)	St. George's Fields (Sale of land).	
3 & 4 Vict. (1840)		
c. 84.	Metropolitan Police Courts.	
c. 87.	New thoroughfares (Metropolis).	
c. vii.	St. Mary, Rotherhithe (Burying ground, etc.).	
c. xlv.	South Eastern Railway.	
c. l.	Thames Tunnel Company (Revival of powers)	See 29 & 30 Vict. c. xx.
c. lii.	Northern & Eastern Railway ..	See 7 & 8 Vict. c. xx.
c. lxxxvi.	Royal Naval School.	
c. cv.	West London Railway	See 8 & 9 Vict. c. clvi.
c. cxii.	New street from Farringdon Street to Clerkenwell Green.	
c. cxvii.	London & Greenwich Railway ..	} See 8 & 9 Vict. c. lxxx.
c. cxviii.	London & Greenwich Railway (Station at Southwark) ..	
c. cxix.	London & Croydon Railway ..	See 8 & 9 Vict. c. cclxxxiii.
c. cxxi.	Coal and wine duties (Port of London)	Expired.
4 & 5 Vict. (1841)		
c. 12.	New thoroughfares (Metropolis) ..	Rep. in part 5 & 6 Vict. c. 64.
c. 27.	York House and Victoria Park.	
c. 40.	New thoroughfares (Metropolis) ..	Rep. in part 14 & 15 Vict. c. 42.
c. xii.	London & Blackwall Railway ..	See 28 & 29 Vict. c. xx.
c. xiv.	Eastern Counties Railway ..	See 25 & 26 Vict. c. cexxiii.
c. xvii.	St. Luke, Chelsea (Poor laws) ..	Rep. Chelsea Order in Council 1901.
c. xxiv.	Northern & Eastern Railway ..	See 7 & 8 Vict. c. xx.
c. xxxix.	London & South Western Rail- way.	
c. xlii.	Northern & Eastern Railway ..	See 7 & 8 Vict. c. xx.
c. lxiii.	City of London & Tower Ham- lets Cemetery Co.	
c. lxxv.	St. Pancras (Southampton Estate)	} Rep. St. Pancras Order in Council 1901.
c. lxxvii.	Kentish Town, west side (Paving, etc.)	
c. 25 (Priv.)	Westminster (Dean enabled to grant building leases).	
c. 41 (Priv.)	Fishmongers' Company (Fooffees of St. Mildred, Bread Street).	
5 Vict. (1841) c. 1	Crown lands, Kensington.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
5 & 6 Vict. (1842)		
c. 19	New opening to Hyde Park.	
c. 20	Victoria Park.	
c. 22	Queen's Bench, Fleet and Marshalsea Prisons	S. 8 rep. 24 & 25 Vict. c. 12.
c. 29	Pentonville Prison.	
c. 64	London Bridge approaches.	
c. 70	Chelsea Hospital	Rep. 37 & 38 Vict. c. 96 (S.L.R.)
c. 78	Primrose Hill, London (Exchange of land between the Crown and Eton College).	
c. iii.	South Eastern Railway.	
c. x.	St. Pancras (Prohibiting burying in a church).	
c. xxxiv.	London & Blackwall Railway ..	See 28 & 29 Vict. c. c.
c. xxxvi.	Equitable Gas Light Company (Incorporation)	See 34 & 35 Vict. c. lxxv.
c. xlv.	New Cross roads.	
c. xlvii.	Opening a street to Clerkenwell Green.	
c. xlviii.	Ely Place and Ely Mews (Paving, etc.)	Rep. in part Holborn Order in Council 1901.
c. 1.	Camberwell	Rep. Camberwell Order in Council 1901.
c. li.	St. Pancras (Southampton Estate)	Rep. St. Pancras Order in Council 1901.
c. lxxix.	South Metropolitan Gas Light & Coke Company.	
c. xcvi.	Deptford Pier.	
c. ci.	London Bridge approaches, etc.	
c. cii.	London & Greenwich Railway ..	See 8 & 9 Vict. c. lxxx.
c. cxv.	Clink district, Southwark.	
c. 11 (Priv.)	Cass's Charity.	
c. 12	Charterhouse.	
6 & 7 Vict. (1843)		
c. 2	Vend and delivery of coal (London and Westminster)	Rep. 37 & 38 Vict. c. 96 (S.L.R.).
c. 19	Thatched House Court and Little St. James Street.	
c. 26	Millbank Penitentiary	Rep. 55 & 56 Vict. c. 1.
c. 31	Chelsea Hospital (Drouly bequest).	
c. 86	London hackney carriages.	
c. 95	Chelsea Hospital (Outpensioners) ..	Rep. 30 & 31 Vict. c. 110.
c. xix.	Hungerford Bridge	See 22 & 23 Vict. c. lxxxi. and 23 & 24 Vict. c. cxlvii.
c. xxvii.	London & Brighton Railway ..	See 9 & 10 Vict. c. cclxxxiii.
c. xxviii.	Northern & Eastern Railway ..	See 7 & 8 Vict. c. xx.
c. xxxiii.	St. Mary Abbots, Kensington (Norland Estate)	Rep. 14 & 15 Vict. c. cxvi.
c. xxxiv.	Bethnal Green and Shoreditch (paving, etc.)	Rep. Bethnal Green and Shoreditch Orders in Council 1901.
c. xxxvi.	London Cemetery Company.	
c. lvii.	Thames lastage and ballastage.	
c. lx.	Kentish Town (paving, etc.) ..	Rep. St. Pancras Order in Council 1901.
c. lxii.	South Eastern and London & Croydon Railways (Bricklayers' Arms Station, etc.)	See 9 & 10 Vict. c. cclxxxiii.
c. xc.	Infant Orphan Asylum.	
c. ci.	Coalwhippers (Port of London) ..	Expired.
c. cxviii.	Bermondsey, Rotherhithe, and Deptford roads	Discontinued 28 & 29 Vict. c. 107.
7 & 8 Vict. (1844)		
c. 1	New thoroughfares (Metropolis) ..	Rep. in part 14 & 15 Vict. c. 42, s. 3.
c. 2	Central Criminal Court (Jurisdiction).	

Year, statute and chapter.	Subject matter.	Repeals, etc.
7 & 8 Vict. (1844) (cont.)		
c. 60	Trafalgar Square.	
c. 71	Middlesex Sessions	Rep. 54 & 55 Vict. c. 67 (S.L.R.).
c. 84	Metropolitan buildings	Rep. 57 & 58 Vict. c. ccciii.
c. 88	Widening Piccadilly.	
c. xx.	Eastern Counties Railway (Leasing of Northern and Eastern Railway).	
c. lxxi.	Eastern Counties & Thames Junction Railway	See 9 & 10 Vict. c. cccxvii.
c. lxxxvi.	London & South Western Railway (Nine Elms).	
c. xc.	London Gas Light Company ..	Rep. 15 & 16 Vict. c. lxxxii.
c. 30(Priv.)	Bishop of London and Grand Junction Canal.	
8 & 9 Vict. (1845)		
c. 22	Greenwich Hospital (Widening Fisher Lane).	
c. 86	Tonnage rates (Port of London) ..	Rep. 16 & 17 Vict. c. 107; 17 & 18 Vict. c. 120; 57 & 58 Vict. c. clxxxvii.
c. 99	Millbank and Kensington (Crown lands).	
c. 101	Vend and delivery of coals (London and Westminster)	Rep. 56 & 57 Vict. c. 54 (S.L.R.).
c. 104	Darby Court, Westminster.	
c. i.	Thames navigation (City of London)	Rep. 57 & 58 Vict. c. clxxxvii
c. vii.	London Orphan Asylum (Incorporation).	
c. xiii.	Southwark (Abolishing Sunday tolls)	
c. xvii.	New street from Holborn Bridge to Clerkenwell Green.	
c. xxi.	Battersea (Poor rates)	Rep. Battersea Order in Council 1901.
c. xxii.	Royal Naval School.	
c. lxii.	Charing Cross Bridge Company ..	See 22 & 23 Vict. c. lxxi. and 23 & 24 Vict. c. cxlvii.
c. lxix.	Southwark and Vauxhall Water Company	See 2 Edw. 7, c. 41.
c. lxxvii.	West of London & Westminster Cemetery Company.	
c. lxxxviii.	Free Watermen and Lightermen's Asylum.	
c. lxxx.	London & Greenwich Railway (Leasing of, to S.E. Railway).	
c. lxxxv.	Eastern Counties & Thames Junction Railway (North Woolwich Railway, etc.)	See 9 & 10 Vict. c. cccxvii.
c. cxiii.	London & Brighton Railway ..	See 9 & 10 Vict. c. cclxxxiii.
c. cxxi.	Richmond Railway (Richmond to Battersea)	See 9 & 10 Vict. c. cxxxi.
c. cxliii.	St. Luke, Chelsea (paving, etc.) ..	Rep. Chelsea Order in Council 1901.
c. clvi.	West London Railway (Lease to L. & N.W. Railway).	
c. clxv.	London & South Western Railway (Extension to Waterloo).	
c. clxxvii.	Bermondsey (paving, etc.) ..	Rep. Bermondsey Order in Council 1901.
c. clxxviii.	Westminster improvements.	
c. clxxx.	St. Matthew, Bethnal Green (Garden pennies, etc.)	Rep. Bethnal Green Order in Council 1901.
c. clxxxvi.	London & Greenwich Railway (Widening of)	See 8 & 9 Vict. c. lxxx.
c. cxevi.	London & Croydon Railway (Widening of)	See 9 & 10 Vict. c. cclxxxiii.
c. cciii.	London & Blackwall Railway (Stopney)	See 8 & 9 Vict. c. lxxx. and 28 & 29 Vict. c. e.

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
9 & 10 Vict. (1846)		
c. 5	Metropolitan buildings	Rep. 18 & 19 Vict. c. 122.
c. 9	Chelsea & Greenwich Hospitals (out-pensioners)	Rep. 30 & 31 Vict. c. 110.
c. 10	Chelsea and Greenwich Hospitals	Rep. 19 & 20 Vict. c. 15.
c. 24	Central Criminal Court.	
c. 34	Commercial Street (Spitalfields to Shoreditch).	
c. 36	Coalwhippers (Port of London) ..	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 38	Battersea Park	Rep. in part 14 & 15 Vict. c. 77.
c. 39	Chelsea Bridge and Embankment.	
c. xxii.	Coal market (City of London).	
c. xliii.	Royal Asylum of the St. Ann's Society.	
cc. lxxviii. & lxxi.	London & Brighton Railway ..	See 9 & 10 Vict. c. cclxxxiii.
c. lxxi.	Great Northern Railway.	
c. cxxxi.	Richmond Railway (Richmond to Battersea). (Sale to L. & S.W.).	
c. ciii.	London & Birmingham Railway (Stations in London).	
c. cciv.	London & North Western Railway.	
c. cxxxiv.	London & Croydon Railway (Deptford branch)	See 9 & 10 Vict. c. cclxxxiii.
c. cclviii.	Eastern Counties Railway (Stations in London).	
c. cclxxiii.	London & Blackwall Railway (Widening of).	
c. cclxxxi.	London & Brighton Railway (Wandsworth branch)	See 9 & 10 Vict. c. cclxxxiii.
c. cclxxxiii.	London, Brighton & South Coast Railway Company (amalgamation of London & Brighton and Lon- don & Croydon Companies).	
c. cccv.	South Eastern Railway (Line to Woolwich and Gravesend).	
c. cccxlv.	Billingsgate Market.	
c. ccel.	Battersea, Clapham, and Lambeth (Lighting, etc.)	Rep. Battersea, Lambeth, and Wands- worth Orders in Council 1901.
c. ccelxvii.	Eastern Counties and Thames Junction Railway.	
c. ccelxix.	West London Railway	See 25 & 26 Vict. c. ccxxiii.
c. ccexci.	London & South Western Rail- way (London Bridge extension).	
c. ccexxvi.	East & West India Docks and Birmingham Junction Railway (North London Railway).	
c. ccexxviii.	The Metropolitan Sewage Manure Company	Semble expired.
c. ccexxix.	Legal quays, Port of London (Regulation of).	
10 & 11 Vict. (1847)		
c. 4	Chelsea Hospital (Poundage on pension)	Rep. in part 38 & 39 Vict. c. 66 (S.L.R.); 54 & 55 Vict. c. 67 (S.L.R.).
c. 5	Chelsea and Greenwich Hospitals (Out-pensioners)	Rep. 30 & 31 Vict. c. 110.
c. 115	London Bridge Approaches Fund.	
c. xxxvii.	Bridge House Estates (City of London).	
c. xxxviii.	Metropolitan Sewage Manure Co.	Semble expired.
c. liii.	Commercial Gas Light & Coke Company (Incorporation) ..	Rep. 15 & 16 Vict. c. clv.
c. lv.	London Sewage Chemical Manure Company	Semble, powers not exercised.
c. lxx.	Westminster sewers.	

*Chronological Table of Statutes relating specially
to London from 1799 to 1907.*

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Year, statute and chapter.	Subject matter.	Repeals, etc.
10 & 11 Vict. (1847) (<i>cont.</i>)		
c. lxxi.	City of London (Recovery of small debts)	Semble rep. 15 & 16 Vict. c. lxxxvii.
c. lxxxviii.	London & South Western Railway (Widening).	
c. xci.	West London Railway.	
c. civ.	South Eastern Rly. (North Kent and Bricklayers' Arms Junction)	
c. cxxxi.	Westminster improvements (amendment)	See 54 & 55 Vict. c. cxlii.
c. cxliii.	Great Northern Railway.	
c. cxlvi.	Great Northern Railway.	
c. clvi.	North Woolwich Railway (East & West India Docks)	See 16 & 17 Vict. c. cxvii.
c. clvii.	Eastern Counties Railway (London and Stratford stations)	See 25 & 26 Vict. c. cxxxiii.
c. cc.	Legal quays (Port of London).	
c. cexi.	Lincoln's Inn	Rep. Holborn Order in Council 1901.
c. cexxx.	South Eastern Railway (London Bridge Station).	
c. ccxlv.	Wandsworth to London Railway.	
c. ccxxvi.	London Bridge station (L.B. & S.C. Railway and S.E. Railway).	
c. ccxxx.	Cannon Street (widening of).	
c. ccxxxvii.	Great Northern Railway.	
c. 28 (Priv.)	Dean of Westminster (Sale and exchange of lands in Paddington, and St. George's, Hanover Square).	
11 & 12 Vict. (1848)		
c. 7	Queen's Bench, Fleet and Marshalsea Prisons	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 50	Regent's Quadrant (Removal of colonnade).	
c. 84	Chelsea and Greenwich Hospitals ..	Rep. 30 & 31 Vict. c. 110, s. 20.
c. 102	Battersea Park.	
c. 103	Royal Military Asylum	Rep. 57 & 58 Vict. c. 56 (S.L.R.).
c. 104	Millbank Prison	Rep. 55 & 56 Vict. c. 1.
c. 112	Metropolitan Commissioners of Sowers	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 124	London Bridge Approaches Fund.	
c. vii.	Lambeth Waterworks	See 2 Edw. 7, c. 41.
c. xvii.	Magdalen Hospital.	
c. xviii.	Suffernance wharves (Port of London).	
c. xc.	London & Blackwall Railway ..	See 28 & 29 Vict. c. c.
c. cx.	Orphan Working School (Incorporation).	
c. cxi.	London & Blackwall Railway ..	See 28 & 29 Vict. c. c.
c. cxv.	London & South Western Railway (London Bridge).	
c. cxxxvi.	London, Brighton & South Coast Railway (New Cross station).	
c. clii.	City of London (Recovery of debts)	Semble rep. 15 & 16 Vict. c. lxxvii.
c. clxii.	Clerkenwell Improvement Commissioners.	
c. clxiii.	City of London (Commissioners of Sowers).	
c. 13 (Priv.)	St. Mary, Woolwich (Sale of globe lands, etc.).	
12 & 13 Vict. (1849)		
c. 28	Greenwich Markets.	
c. 93	Metropolitan Sowers	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. xxxvii.	London Gas Light Company ..	Rep. 15 & 16 Vict. c. lxxxii.
c. xlvii.	Southwark and Highgate Roads ..	Expired.
c. li.	Charing Cross Bridge.	

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
12 & 13 Vict. (1849) (<i>cont.</i>)		
c. lxvi.	New North Road.	
c. lxxiii.	London and Blackwall Railway ..	See 28 & 29 Vict. c. c.
c. lxxvi.	Commercial Road, etc.	Rep. 33 & 34 Vict. c. 73.
c. lxxx.	Hospital for Consumption (Incor- poration, etc.).	
c. xciv.	City of London (Elections, etc.) ..	Rep. in part 50 & 51 Vict. c. xiii.
13 & 14 Vict. (1850)		
c. 7	London hackney carriages.	
c. 24	Greenwich Hospital.	
c. 52	Metropolitan Interments	Rep. 15 & 16 Vict. c. 85.
c. 78	Marlborough House.	
c. 103	London Bridge Approaches Fund.	
c. 109	Commercial Street.	
c. xxx.	London & Blackwall Railway (Use of Eastern Counties Railway) ..	See 28 & 29 Vict. c. c.
c. xxxi.	London & South Western Ry.	
c. xxxii.	New North Road.	
c. xxxvi.	East & West India Docks and Birmingham Junction Railway (North London Railway).	
c. li.	Victoria (London) Dock	Rep. 16 & 17 Vict. c. cxxxi.
c. lvi.	Cannon Street Improvement.	
c. lix.	Kent Waterworks	Rep. in part 25 & 26 Vict. c. xlv.; and see 2 Edw. 7, c. 41.
c. lxxxii.	Poplar Gas Light Company (Sale to Commercial Gas Company).	
c. lxxxv.	Road from Kennington Road to Highgate.	
c. cii.	Westminster Improvements ..	See 54 & 55 Vict. c. cxlii.
c. ciii.	Marylebone and Finchley Roads..	Rep. 33 & 34 Vict. c. 73.
c. civ.	St. Michael's Church, Chester Square.	
c. cvii.	St. Gabriel's Church, Pimlico.	
c. cix.	Lee River navigation.	
c. cxii.	Westminster Bridge (Temporary)..	Rep. 16 & 17 Vict. c. 46.
c. 7 (Priv.)	St. Thomas's Hospital (Confirm- ing leases).	
c. 10 (Priv.)	City of London Orphan School.	
14 & 15 Vict. (1851)		
c. 28	Common lodging houses.	
c. 42	London Bridge Approaches Fund.	
c. 43	Hainault Forest.	
c. 46	Victoria Park	Rep. in part 55 & 56 Vict. c. 19 (S.L.R.).
c. 61	Metropolitan cattle market ..	Rep. 20 & 21 Vict. c. cxxxv.
c. 75	Metropolitan sewers	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 77	Battersea Park	Rep. in part 38 & 39 Vict. c. 66 (S.L.R.).
c. 78	Coalwhippers (Port of London) ..	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 89	Metropolitan Interments	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 95	Regent's Park and Houses of Parliament.	
c. vii.	Walworth Common Inclosure ..	Rep. Southwark Order in Council 1901.
c. xix.	Bridge over the Greenwich to Woolwich Road.	
c. xxviii.	London & Blackwall Railway (Haydon Square)	} See 28 & 29 Vict. c. c.
c. xxx.	London & Blackwall Railway (Branch lines)	
c. xxxii.	Regent's Canal.	
c. xliii.	Commercial Dock (Purchase of East Country Dock)	Rep. 27 Vict. c. xxxi.
c. xlv.	Great Northern Railway (London station).	

Year, statute and chapter.	Subject matter.	Repeals, etc.
14 & 15 Vict. (1851) (cont.)		
c. lxi.	Great Central Gas Consumers Co.	See 35 & 36 Vict. c. xxiii.
c. xci.	City of London Sewers Act (Amendment).	
c. c.	North & South Western Junction Railway	Rep. 16 & 17 Vict. c. lxix.
c. cxvi.	St. Mary Abbots, Kensington ..	Rep. in part Kensington Order in Council 1901.
c. cxx.	Clerkenwell Improvement Commissioners.	
c. cxxxviii.	King's College and King's College Hospital.	
c. cxliv.	Charing Cross Bridge.	
c. cxlvi.	Vend and delivery of coal (London and Westminster).	
c. 2 (Priv.)	Christ's Hospital.	
c. 3	St. Bartholomew's Hospital.	
c. 14 (Priv.)	Dean, etc., of Westminster (Building powers).	
c. 15 (Priv.)	Oakley Square Church, St. Pancras.	
c. 18 (Priv.)	Dean, etc., of Christ Church, Oxford (Empowered to grant building leases in Kentish Town).	
15 & 16 Vict. (1852)		
c. 29	Kennington Common.	
c. 40	Gresham College, and Somerset House.	
c. 64	Metropolitan sewers	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 69, s. 4	Local Board of Woolwich (First Election of)	Spent. .
c. 70	Holloway Prison.	
c. 71	Thames Embankment.	
c. 78	Buckingham Palace.	
c. 84	Metropolis water.	
c. 85	Burial.	
c. vii.	East London Waterworks ..	See 2 Edw. 7, c. 41.
c. xxxiii.	Eastern Counties Railway (East & West India Docks branch) ..	See 25 & 26 Vict. c. cxxxiii.
c. xlii.	Deptford Gas Light and Coko Company (Incorporation of)	See 18 & 19 Vict. c. clxxxvi.
c. lxxii.	Improvements in the city of London.	
c. lxxvii.	City of London (Recovery of small debts)	Seem rep. 15 & 16 Vict. c. lxxvii.
c. lxxxii.	London Gas Light Company.	
c. lxxxiv.	London, Tilbury & Southend Rly.	
c. cxlix.	London Necropolis & National Mausoleum Company.	
c. clv.	British Gas Light Company (Transfer to Commercial Gas Company).	
c. clvi.	Chelsea Waterworks	} See 2 Edw. 7, c. 41.
c. clvii.	Grand Junction Waterworks ..	
c. clviii.	Southwark & Vauxhall Water Co.	Rep. in part 18 & 19 Vict. c. xxiv.
c. elix.	West Middlesex Waterworks ..	} See 2 Edw. 7, c. 41.
c. clx.	New River Waterworks	
c. clxiv.	East London Waterworks ..	Rep. 16 & 17 Vict. c. clxvi.
16 & 17 Vict. (1853)		
c. 1	Bills and notes (Metropolis) ..	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 9	Inland Revenue Commissioners empowered to dispose of property in the city of London.	
c. 18	Metropolitan Improvements.	
c. 33	London Hackney Carriages.	
c. 41	Common Lodging Houses.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
16 & 17 Vict. (1853) (<i>cont.</i>)		
c. 44	Buckingham Palace.	
c. 46	Westminster Bridge.	
c. 47	Battersea Park.	
c. 52	Commercial Street	Seemingly spent.
c. 87	Thames Embankment.	
c. 125	Metropolitan Sewers	Rep. 24 & 25 Vict. c. 101 (S.L.R.).
c. 127	London Hackney Carriages (No. 2).	
c. 128	Smoke abatement (London) ..	Rep. 54 & 55 Vict. c. 76.
c. lxix.	North & South Western Junction Railway (Hammersmith) ..	See 34 & 35 Vict. c. cxcii.
c. xcvi.	East & West India Docks and Birmingham Junction Railway (North London Railway).	
c. c.	London, Brighton & South Coast Railway (London Bridge station).	
c. cvi.	London Docks	Rep. in part 27 & 28 Vict. c. clxxviii.
c. cx.	London & North Western Rail- way (Haydon Square).	
c. cxvi.	South Eastern Railway (London Bridge station).	
c. cxvii.	Eastern Counties Railway (purchase of North Woolwich line) ..	See 25 & 26 Vict. c. ccxxiii.
c. cxxxi.	Victoria (London) Docks ..	Rep. in part 27 & 28 Vict. c. clxxviii.
c. cxli.	St. Mary, Whitechapel	Rep. in part Stepney Order in Council 1901.
c. clxvi.	East London Waterworks ..	See 2 Edw. 7, c. 41.
c. clxxvi.	Westminster Improvements	See 54 & 55 Vict. c. cxlii.
c. clxxx.	West End of London & Crystal Palace Railway	See 23 & 24 Vict. c. clxxiv.
c. clxxxvi.	North Metropolitan Railway ..	Rep. 17 & 18 Vict. c. ccxxi.
c. ccxv.	Westminster Association for im- proving the Dwellings of the Work- ing Classes (Incorporation of).	
c. ccxxii.	Hampstead Junction Railway ..	See 26 & 27 Vict. c. ccxvii.
c. ccxxv.	St. Margaret and St. John, West- minster	Rep. Westminster Order in Council 1901.
17. & 18 Vict. (1854)		
c. 33	Public Statues (Metropolis).	
c. 61	Royal Military Asylum, Chelsea ..	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 70	Marylebone chapels	Rep. in part 4 Edw. 7, c. xlvii.; and 5 Edw. 7, c. vii.
c. 93	Somerset House.	
c. 111	Metropolitan sewers	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 114	University of London	Rep. in part 38 & 39 Vict. c. 66 (S.L.R.).
c. xxxix.	New River Waterworks	See 2 Edw. 7, c. 41.
c. lv.	Imperial Gas Light and Coke Com- pany (Consolidation of Acts) ..	See Order in Council (1876) made under 31 & 32 Vict. c. ccxv.
c. lxi.	London Brighton & South Coast Railway (London stations, etc.).	
c. lxiii.	Islington Cattle Market (Repealing Act).	
c. lxxv.	East London Waterworks ..	} See 2 Edw. 7, c. 41.
c. lxxii.	New River Company	
c. lxxx.	North London Railway (Cattle Market station).	
c. lxxxix.	North Woolwich Sewers.	
c. xciv.	Surry Consumers Gas Light and Coke Company	See Order in Council (1879) made under 39 & 40 Vict. c. ccxxix.
c. cvii.	Exhibition of 1851 Commissioners.	
c. cxli.	North & South Western Junction Railway	See 34 & 35 Vict. c. cxcii.
c. cliii.	Eastern Counties Railway (Bethnal Green station)	See 25 & 26 Vict. c. ccxxiii.
c. cliv.	Camden Town Cemetery.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
17 & 18 Vict. (1854) (<i>cont.</i>)		
e. clxix.	Middlesex Industrial School.	
e. cci.	London & North Western Railway (Haydon Square branch line).	
e. cciv.	West London Railway.	
e. ccv.	West End of London & Clapham & Norwood Junction Railway ..	Rep. 19 & 20 Vict. c. cxxx.
e. ccxiii.	Ratcliff Gas Light & Coke Co. ..	See 38 & 39 Vict. c. cc.
e. ccxxi.	Metropolitan Railway.	
18 & 19 Vict. (1855)		
e. 30	Metropolitan sewers	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
e. 95	Downing Street (public offices).	
e. 120	Metropolis management.	
e. 122	Metropolitan buildings	Rep. 57 & 58 Vict. c. ccxiii.
e. ii.	Woolwich, Plumstead & Charl- ton Consumers Gas Company ..	See Order in Council (1884) made under 39 & 40 Vict. c. ccxxix.
e. xii.	Ratcliff Gas Light and Coke Com- pany	See 38 & 39 Vict. c. cc.
e. xxi.	Grand Junction Waterworks Com- pany	See 2 Edw. 7, c. 41.
e. xxiv.	Southwark & Vauxhall Water Company	
e. xxvi.	Woolwich Equitable Gas Company	See Order in Council (1884) made under 39 & 40 Vict. c. ccxxix.
e. lxxvii.	Commercial Road	Rep. 33 & 34 Vict. c. 73.
e. xc.	London & Blackwall Railway ..	See 28 & 29 Vict. c. c.
e. cii.	Metropolitan Railway.	
e. cxxxiv.	Grand Surrey Canal	See 27 & 28 Vict. c. xxxi.
e. cxlv.	Royal London Militia.	
e. clix.	Great Northern London Cemetery.	
e. clxii.	The Dagenham (Thames) Dock ..	See 33 & 34 Vict. c. clvii.
e. clxiii.	London Necropolis and National Mausoleum.	
e. clxix.	West London & Crystal Palace Railway	See 23 & 24 Vict. c. clxxiv.
e. clxxxvi.	Deptford Gas Light and Coke Com- pany (Transfer).	
e. exciii.	Westminster improvements ..	See 54 & 55 Vict. c. excii.
e. cxcv.	Westminster Land Company.	
e. cxevi.	New River Company and East London Waterworks	See 2 Edw. 7, c. 41.
e. cxeviii.	Westminster Terminus Railway ..	Abandoned 20 & 21 Vict. c. c.
e. 11(Priv.)	Harvist's Estate, Islington.	
e. 15(Priv.)	Marshall's Charity Estate.	
19 & 20 Vict. (1856)		
e. 2	Metropolitan police.	
e. 15	Greenwich and Chelsea Hospitals	Rep. 47 & 48 Vict. cc. 44 and 55.
e. 16	Central Criminal Court.	
e. 29	National Gallery.	
e. 107	Smoke abatement (Metropolis) ..	Rep. 54 & 55 Vict. c. 76.
e. 112	Metropolis Management (amend- ment).	
e. 114	Hay and straw.	
e. 115	Bishops of London and Durham ..	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
e. i.	London Docks	Rep. 27 & 28 Vict. c. clxxviii.
e. x.	Lambeth Waterworks Company ..	See 2 Edw. 7, c. 41.
e. xv.	Eastern Counties & London & Blackwall Railway	See 28 & 29 Vict. c. c.
e. li.	Eastern Counties Railway ..	See 25 & 26 Vict. c. ccxxiii.
e. lii.	Hampstead Junction Railway ..	See 26 & 27 Vict. c. ccxvii.
e. lxii.	The Wandsworth & Putney Gas Light & Coke Company.	
e. lxxvi.	Eastern Counties and London & Blackwall Railways	See 28 & 29 Vict. c. c.

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
19 & 20 Vict. (1856) (<i>cont.</i>)		
c. lxxvii.	West End of London and Crystal Palace Railway	See 23 & 24 Vict. c. clxxiv.
c. cv.	Wimbledon & Croydon Railway (leasing to L.B. & S.C. Railway).	
c. cix.	Metropolitan Railway.	See 2 Edw. 7, c. 41.
c. cxvi.	Grand Junction Waterworks Co. . .	
c. cxxx.	West End of London & Clapham & Norwood Junction Railway ..	Abandoned 21 & 22 Vict. c. cxlv.
20 Vict. (1857)		
c. 19	Extra-parochial places.	
20 & 21 Vict. (1857)		
c. 35	Burial (city of London).	
c. 64	Metropolitan Police.	
c. 67	Buckingham Palace.	
c. 84	Dulwich College.	
c. ix.	Meriton's and Hogen's Sufferance Wharves.	
c. xxi.	Islington Parish Act.	
c. xlii.	New River Company	See 2 Edw. 7, c. 41.
c. lxxiii.	London Gas Light Company ..	See Order in Council (1883) made under 31 & 32 Vict. c. cxxxv. Rep. in part 27 & 28 Vict. c. clxxviii. Spent.
c. lxxxiii.	Victoria (London) Dock Company	
c. lxxxix.	Coal duties (London, etc.) drawback	
c. c.	Westminster Terminus Railway Extension (Abandonment).	
c. cxv.	Covent Garden approach, etc., communication.	
c. cxviii.	St. Mary, Islington (Lighting, etc.).	Rep. Islington Order in Council 1901
c. cxv.	Metropolitan Railway.	
c. cxvii.	Victoria Docks Gas Company ..	See 33 & 34 Vict. c. cxxi.
c. cxxxv.	Metropolitan Cattle Market.	
c. cxliii.	West End of London and Crystal Palace Railway	See 23 & 24 Vict. c. clxxiv.
c. cxlvii.	Thames Conservancy	Rep. 57 & 58 Vict. c. clxxxvii.
c. cl.	Finsbury Park.	
c. clvii.	Sheriff's Court, Mayor's Court (City of London).	
21 & 22 Vict. (1858)		
c. 18	Chelsea Hospital.	
c. 21	Chelsea Hospital.	
c. 36	Exhibition of 1851 Commissioners.	
c. 37	Hainault Forest.	
c. 66	Chelsea Bridge and Embankment.	
c. 104	Metropolis Management (Amendment).	
c. xxxii.	Vauxhall Bridge.	
c. xxxv.	London Dock Company	Rep. in part 27 & 28 Vict. c. clxxviii.
c. xxxviii.	Victoria Park approach.	
c. xli.	Port of London (Sufferance Wharves).	
c. civ.	West End of London & Crystal Palace Railway	See 23 & 24 Vict. c. clxxiv.
c. cxviii.	Victoria Station & Pimlico Rly. . .	See 24 & 25 Vict. c. lxxxi.
c. cxxix.	Crystal Palace District Gas Co. . .	See 4 Edw. 7, c. xci.
c. cxxxii.	St. Leonard, Shoreditch	Rep. Shoreditch Order in Council, 1901.
c. cxlv.	West End of London & Clapham & Norwood Railway (Abandonment).	
c. 3 (Priv.)	Westminster Palace Hotel.	
22 Vict. (1859)		
c. 8	Westminster and Southwark County Courts	Rep. 51 & 52 Vict. c. 43.
c. 19	Downing Street (Public Offices).	

Year, statute and chapter.	Subject matter.	Repeals, etc.
22 Vict. (1859) <i>(cont.)</i> c. xxix. c. xxx. c. xxxv.	Victoria Dock. Commercial Dock. Great Northern Railway (commu- nication with N.L. Railway).	Rep. (in part) 27 & 28 Vict. c. clxxviii.
22 & 23 Vict. (1859) c. 58 c. i. c. xiii. c. xx. c. lii. c. liv. c. lxix. c. lxxxi. c. xevii. c. cxii. c. cxxviii. c. cxxxiii. c. cxxxiv. c. cxxxvii.	Westminster Bridge. West London Railway. Hampstead Junction Railway . . Greenwich & South Eastern Docks. City of London Gas Light & Coke Company London, Chatham & Dover Rly. London, Brighton & South Coast Railway. Charing Cross Railway (Hunger- ford Bridge) Metropolitan Railway. Victoria Station & Pimlico Rail- way Kensington station and North & South London Junction Railway Watermen and Lightermen (Amendment). West London Extension Railway. The Pneumatic Despatch Co., Ltd.	See 26 & 27 Vict. c. cxvii. See Order in Council (1870) made under 31 & 32 Vict. c. cxxv. See 23 & 24 Vict. c. cxlvii. and 26 & 27 Vict. c. cxv. See 24 & 25 Vict. c. lxxxi. See 35 & 36 Vict. c. 80. Semblo spent.
23 & 24 Vict. (1860) c. 43 c. 52 c. 125 c. 135 c. 142 c. 146 c. i. c. xiv. c. xxxix. c. lii. c. lviii. c. lxxvii. c. lxxiv. c. lxxxv. c. cix. c. cxxiii. c. cxlvii. c. clxviii. c. clxxi. c. clxxiv. c. clxxvii. c. clxxxiv. c. cxci. c. cxvii.	Archbishop Tenison's Charity, Westminster. Metropolitan Buildings Gas (Metropolis). Metropolitan Police. Union of Benefices (Metropolis). Sale of gas. West Middlesex Waterworks . . North London Railway. Commercial Dock. Midland Railway (London traffic). Metropolitan Railway. Midland Railway (St. Pancras Station). Grand Surrey Docks and Canal . . London Hydraulic Power Co., Ltd. London, Brighton & South Coast Railway (Balham Hill branch). London & Blackwall Railway . . Hungerford Market and Charing Cross Bridge Companies (Transfer of undertakings) Great Northern and Metropolitan Railways (Communication at King's Cross station). London, Brighton & South Coast Railway. West End of London & Crystal Palace Railway (Dissolution of company and transfer of under- taking to L.C. & D. Railway). London, Chatham & Dover Rail- way (Metropolitan Extensions). New Square, Lincoln's Inn. Smithfield Market. London Railway Depot and store- houses	Rep. 57 & 58 Vict. c. cexiii. See 2 Edw. 7, c. 41. See 27 & 28 Vict. c. xxxi. See 28 & 29 Vict. c. c. See 26 & 27 Vict. c. cxv. Rep. 25 & 26 Vict. c. lvii.

Year, statute and chapter.	Subject matter.	Repeals, etc.
24 & 25 Vict. (1861)		
c. 12	Queen's Prison	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 33	Public offices (Downing Street).	
c. 42	London Coal and Wine duties ..	Rep. 55 & 56 Vict. c. 19 (S.L.R.).
c. 51	Metropolitan Police (Pensions).	
c. 78	Annoyance Jurors (Westminster).	
c. 79	Metropolitan Gas.	
c. 87	Metropolitan Buildings	Rep. 57 & 58 Vict. c. cexiii.
c. 88	St. James' Park and Downing St.	
c. 124	Metropolitan Police (Receiver).	
c. xii.	South Eastern and Charing Cross Railways	See 26 & 27 Vict. c. cxv.
c. lii.	Newgate Market (Abolition of).	
c. lxxxi.	Victoria Station & Pimlico Rail- way.	
c. xciii.	Charing Cross Railway	See 26 & 27 Vict. c. cxv.
c. cxvii.	Lambeth Bridge Company.	
c. cxxv.	Thames Haven Dock (Abandon- ment).	
c. cxxvi.	Westminster Improvements ..	See 54 & 55 Vict. c. cxlii.
c. cxxxii.	North London Railway.	
c. cxxxiii.	Metropolitan Railway.	
c. cli.	Grand Junction Waterworks Co...	See 2 Edw. 7, c. 41.
c. clxiv.	Hammersmith & City Railway ..	See 30 & 31 Vict. c. cl.
c. cxci.	South-Eastern Railway.	
c. cxevi.	North London Railway.	
c. cexvi.	Victoria Docks Gas Company ..	See 33 & 34 Vict. c. cxxi.
c. cexxxiii.	Metropolitan Railway.	
c. cexxxiv.	West London Extension Railway.	
c. cexl.	London, Chatham & Dover Rly.	
25 & 26 Vict. (1862)		
c. 9	Sir J. Soane's Museum	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 74	St. James's Park and Downing St.	
c. 93	Thames Embankment.	
c. 102	Metropolis Management (Amend- ment).	
c. 104	Queen's Prison (Discontinuance of).	
c. ii.	Woolwich, Plumstead & Charlton Consumers Gas Company ..	See Order in Council (1884) made under 39 & 40 Vict. c. cexxix.
c. vii.	London & Blackwall Railway ..	See 28 & 29 Vict. c. c.
c. viii.	London, Tilbury & Southend Rly.	
c. xxii.	East London Waterworks ..	See 2 Edw. 7, c. 41.
c. xliv.	Kent Waterworks Company ..	
c. xlv.	Edgware, Highgate & London Rly.	See 30 & 31 Vict. c. cxxxi.
c. lvii.	London Railway Depot and store- house (Abandonment).	
c. lviii.	Metropolitan Railway.	
c. lxxviii.	London, Brighton & South Coast Railway (London Bridge and Bricklayers' Arms stations).	
c. lxx.	St. Giles in the Fields (disused burial ground).	
c. lxxviii.	London, Brighton & South Coast Railway (new lines in London).	
c. cxliv.	Crystal Palace & South London Junction Railway	See 38 & 39 Vict. c. cxxxix
c. clxxiv.	Metropolitan Meat and Poultry Market.	
c. excii.	London, Chatham & Dover Railway.	
c. cc.	Tottenham & Hampstead Junction Railway	See 2 Edw. 7, c. cii.
c. cexiii.	Dagenham (Thames) Dock ..	See 33 & 34 Vict. c. clxii.
c. cexv.	Kensington station and North & South London Junction Railway	See 35 & 36 Vict. c. 80.

Year, statute and chapter.	Subject matter.	Repeals, etc.
25 & 26 Vict. (1862) (<i>cont.</i>)		
c. cccx.	Charing Cross Rly. (City terminus)	See 26 & 27 Vict. c. cxv.
c. cccxiii.	Great Eastern Railway.	
c. 4 (Priv.)	St. Thomas Hospital	
26 & 27 Vict. (1863)		
c. 2	Bills and Notes (Metropolis) ..	Rep. 38 & 39 Vict. c. 66 (S.L.R.).
c. 13	Town gardens (Protection).	
c. 36	London diocese.	
c. 45	Metropolis Improvement Act.	
c. 46	London Coal and Wine duties ..	Rep. 56 & 57 Vict. c. 14 (S.L.R.).
c. 67	Greenwich Hospital	Rep. 28 & 29 Vict. c. 89.
c. 68	Metropolitan Main Drainage ..	Rep. 32 & 33 Vict. c. 102.
c. 75	Thames Embankment.	
c. 78	Metropolitan Turnpikes	Rep. 34 & 35 Vict. c. 115.
c. xxxvii.	Surrey Consumers Gas Company	See Order in Council (1879) made under 39 & 40 Vict. c. cccxix.
c. xlv.	Queen's Road, Battersea.	
c. lxii.	Blackfriars Bridge.	
c. lxix.	London, Tilbury & Southend, Eastern Counties, and London & Blackwall Railway Companies.	
c. lxxiv.	Midland Railway Company.	
c. xc.	L. & S.W. Railway.	
c. ci.	St. Luke's (Vestry Hall and Guar- dians' Offices)	Rep. Finsbury Order in Council 1901.
c. cxv.	Charing Cross Railway Company.	
c. cxlii.	L.B. & S.C. Railway (Extensions in London, etc.).	
c. clxv.	Metropolitan Railway.	
c. clxxii.	Hammersmith & City Railway ..	See 30 & 31 Vict. c. c.
c. cciv.	L.C. & D. Railway.	
c. ccv.	Tottenham & Hampstead Junc- tion Railway	See 2 Edw. 7, c. cli.
c. ccvi.	City of London Traffic Regulations.	
c. ccviii.	West London Extension Railway.	
c. cexi.	Putney Bridge Company	See 40 & 41 Vict. c. xcix. and 44 & 45 Vict. c. excii.
c. cexvii.	Hampstead Junction Railway (Transfer to L. & N.W. Rly.).	
c. cexviii.	L.B. & S.C. Railway (Mitcham and Tooting).	
c. cccxvii.	London, Brighton & South Coast Railway (Victoria station, etc.).	
c. cccxviii.	West London Wharves & Ware- houses Company.	
27 & 28 Vict. (1864)		
c. 51	India Office site (Downing Street).	
c. 55	Metropolitan Police (Street Music).	
c. 60	College of Physicians (Pall Mall East)	
c. 61	Thames Embankment	Rep. 32 & 33 Vict. c. 102.
c. 83	Provisional Order Confirmation (Woolwich, etc.).	
c. 88	Westminster Bridge (Regulation of Traffic).	
c. 111	Cranbourne Street.	
c. 113	Thames Conservancy	Rep. 57 & 58 Vict. c. clxxxvii.
c. 116	Metropolitan houseless poor.	
c. iv.	Southwark Park.	
c. viii.	Southwark & Vauxhall Water Company	See 2 Edw. 7, c. 41.
c. xv.	Metropolitan Meat and Poultry Market.	
c. xxix.	Edgware, Highgate & London Rly. (Alexandra Park Extension) ..	See 30 & 31 Vict. c. cxxxi.

Year, statute and chapter.	Subject matter.	Repeals, etc.
27 & 28 Vict. (1864) (<i>cont.</i>)		
c. xxxi.	Commercial and Grand Surrey Docks (Amalgamation).	
c. xxxix.	Chelsea Waterworks Company ..	See 2 Edw. 7, c. 41.
c. li.	Greenwich and South Eastern Docks.	
c. lvii.	London Necropolis and National Mausoleum.	
c. lxi.	Holborn Viaduct.	
c. xcix.	Crystal Palace & South London Railway	See 38 & 39 Vict. c. cxxxix. Semble spent.
c. cxiii.	Pneumatic Despatch Company ..	
c. cxxiv.	Great Northern Railway (Arrange- ment with Great Eastern Railway)	
c. cxxx.	North & South Western Junction Railway	See 34 & 35 Vict. c. excii.
c. cxxxv.	Thames Embankment (Amendment)	
c. cxli.	South London Market.	
c. cxlvi.	Kent Waterworks Company ..	See 2 Edw. 7, c. 41.
c. cxlii.	Independent Gas Light & Coke Co.	See Order in Council (1876) made under 31 & 32 Vict. c. cxxv.
c. clxvi.	London & South Western Railway.	
c. clxviii.	London & St. Katharine Docks ..	See 63 & 64 Vict. c. cxi.
c. cxcii.	Charing Cross Railway	See 26 & 27 Vict. c. cxv.
c. ccii.	Great Northern Railway (King's Cross station, etc.).	
c. ccv.	Watford & Edgware Junction Rly.	See 30 & 31 Vict. c. cxxxi. and 33 & 34 Vict. c. lxxi.
c. ccxii.	London, Chatham & Dover Rail- way (City Undertaking).	
c. ccxix.	London & Blackwall Railway ..	See 28 & 29 Vict. c. c.
c. ccxxi.	Tottenham & Hampstead Junction Railway	See 2 Edw. 7, c. cli.
c. ccxxvi.	London & North Western Railway (Willesden to Hammersmith).	
c. ccxxxi.	Midland Railway (Branch line in St. Pancras).	
c. ccxxxv.	Albert Bridge.	
c. ccxxxvii.	West London Wharves & Ware- houses Company.	
c. ccxxxviii.	Wandsworth Bridge.	
c. ccxli.	North London Railway.	
c. ccv.	Millwall Canal Company.	
c. celx.	Metropolitan Railway.	
c. celxviii.	London (City) Tithes.	
c. celxxiv.	London, Brighton & South Coast Railway (Battersea lines).	
c. ccxci.	Metropolitan Railway (Notting Hill and Brompton).	
c. cccliii.	Metropolitan & St. John's Wood Railway	See 45 & 46 Vict. c. xciv.
c. ccclvi.	Great Western Railway (Transfer of Hammersmith & City Railway).	
c. ccclxiii.	Great Eastern Railway (Metropoli- tan station and railways).	
c. ccclxiv.	L.B. & S.C. Railways (Metropolitan extensions, etc.).	
c. ccclxv.	Metropolitan Railway.	
c. ccclxxii.	Metropolitan District Railway.	
c. ccclxxiii.	North Western & Charing Cross Railway	See 29 & 30 Vict. c. ccclxi. See 28 & 29 Vict. c. celxxiii.
c. ccclxxv.	Tooting, Merton & Wimbledon Rly.	
28 & 29 Vict. (1865)		
c. 19	Metropolis (drainage)	Rep. 32 & 33 Vict. c. 102.
c. 31	Downing Street.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
28 & 29 Vict. (1865) (cont.)		
c. 32	India Offices Site and approaches.	
c. 34	Metropolitan houseless poor.	
c. 48	Courts of Justice Building.	
c. 49	Courts of Justice Concentration (Site).	
c. 87	General Post Office (Additional site).	
c. 89	Greenwich Hospital.	
c. 90	Metropolitan Fire Brigade.	
c. iii.	Whitechapel & Holborn Improve- ment.	
c. xiv.	South Metropolitan Gas Light & Coke Company.	
c. xxx.	East & West India Dock Co. . .	See 51 & 52 Vict. c. cxliii.
c. xxxi.	Met. & St. John's Wood Railway..	See 45 & 46 Vict. c. xciv.
c. li.	East London Railway	See 45 & 46 Vict. c. clxxxi.
c. lxvi.	London, Brighton & South Coast Rly. (Metropolitan extensions, etc.).	
c. lxxii.	North London Railway.	
c. lxxiii.	School for the Indigent Blind.	
c. lxxxix.	London & South Western (Kens- ington & Richmond) Railway.	
c. c.	London & Blackwall Railway (Lease to Great Eastern Railway).	
c. ci.	Hammersmith & City Railway (Transfer to G.W.R. & Met. Rly.)	See 30 & 31 Vict. c. cl.
c. cxvi.	London, Blackwall & Millwall Extension Railway.	
c. cxvii.	Metropolitan Railway.	
c. cxviii.	G.E.Rly. (Met. extension, etc.).	
c. cxxi.	Metropolis Sewage and Essex re- clamation	Seemle lapsed.
c. cli.	Metropolitan District Railway.	
c. clxxviii.	Tottenham & Hampstead Junction Railway	See 2 Edw. 7, c. cli.
c. clxxxvii.	Westminster Improvement and Incumbered Estate	See 54 & 55 Vict. c. cxlii.
c. cxc.	Edgware, Highgate & London Railway (Junction with Totten- ham & Hampstead Railway) . .	See 30 & 31 Vict. c. cxxxi.
c. cxcii.	Fullham Railway.	
c. cxevi.	Southwark Bridge.	
c. cxviii.	Metropolitan Market.	
c. cxxv.	St. Clement Danes Improvement . .	Rep. Westminster Order in Council 1901.
c. cxcliii.	S.E.R. (Greenwich & Woolwich, etc.).	
c. cxlviii.	Waterloo & Whitehall Railway . .	Seemle abandoned.
c. cxlxii.	Hydo Park Gate Estate.	
c. cxlxix.	London, Chatham & Dover Rail- way (Various Powers).	
c. celxxiii.	Tooting, Merton & Wimbledon Railway (Transfer of).	
c. ceex.	North London, Highgate & Alex- andra Park Railway.	
c. ceclxv.	Regent's Canal (Limehouse Basin).	
c. ceclxxii.	West London Wharves & Ware- houses.	
29 & 30 Vict. (1866)		
c. 21	Downing Street.	
c. 31	Superannuation (Metropolis).	
c. 63	Courts of Justice.	
c. 83	National Gallery (Enlargement).	
c. 89	Thames Navigation	Rep. 57 & 58 Vict. c. clxxxvii.
c. 90	Sanitary Act	Rep. (in part) 54 & 55 Vict. c. 76.

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
29 & 30 Vict. (1866) (<i>cont.</i>)		
c. 122	Metropolitan Commons.	
c. ii.	Columbia Market, Bethnal Green.	
c. vi.	West Middlesex Waterworks ..	See 2 Edw. 7, c. 41.
c. xx	Thames Tunnel Co. (Dissolution of)	
c. xlvi.	Dagenham (Thames) Dock ..	See 33 & 34 Vict. c. clxii.
c. lv.	London Gas Light Company ..	See Order in Council (1883) made under 31 & 32 Vict. c. cxxv.
c. cvii.	Met. & St. John's Wood Railway	See 45 & 46 Vict. c. xciv.
c. cxii.	Greenwich and Woolwich Turn- pike lower road	Rep. 33 & 34 Vict. c. 73.
c. cxxx.	Magdalen Hospital.	
c. cl.	Kensington Improvement.	
c. clx.	Metropolitan Railway.	
c. clxxv.	Tottenham & Hampstead Junction Railway	See 2 Edw. 7, c. 41.
c. clxxvii.	Deptford and Isle of Dogs Subway.	
c. clxxviii.	Metropolitan District Railway.	
c. clxxx.	East London Railway	See 45 & 46 Vict. c. clxxxi.
c. cevi.	Edgware, Highgate & London Railway (Barnet Extension) ..	See 30 & 31 Vict. c. cxxxi.
c. ccxxx.	New River Company	See 2 Edw. 7, c. 41.
c. cclxix.	South London Market Company.	
c. cclxxv.	Wandsworth & Putney Gas Light & Coke Company.	
c. cclxxx.	Metropolis sewage and Essex re- clamation	Semble lapsed.
c. cclxxxvii.	Great Eastern Railway (Alexandra Palace & Park Railways).	
c. ccxcix.	North Metropolitan Railway.	
c. ccxi.	N.W. & Charing Cross Railway (Ar- rangements with L. & N.W. & S.E. Railways).	
c. cccxiv.	East London Eastern Extension Railway.	
c. cccxxiii.	Millwall Canal Company.	
c. cccxxxi.	St. Martin-in-the-Fields (Work- house and Offices)	Rep. 32 & 33 Vict. c. xlv.
c. cccxxxii.	Putney & Fulham Bridge Company	See 40 & 41 Vict. c. xcix., and 44 & 45 Vict. c. xcxi.
c. cccxxxvi.	Hounslow & Metropolitan Railway	Dissolved, See 43 & 44 Vict. c. cxc.
c. cccxxxviii.	Belgravia Road Company.	
c. ccclii.	Imperial Gas Light & Coke Company	See Order in Council (1876) made under 31 & 32 Vict. c. cxxv.
c. ccclxiii.	London, Chatham & Dover Railway (Ludgate station).	
30 & 31 Vict. (1867)		
c. 6	Metropolitan Poor.	
c. 38	Bunhill Fields Burial Ground.	
c. 39	Metropolitan Police (Receiver).	
c. 40	Houses of Parliament and Embank- ment.	
c. 41	National Gallery (Enlargement of).	
c. 110	Chelsea Outpensioners	Rep. 45 & 46 Vict. c. 48.
c. 134	Metropolitan Streets.	
c. i.	City of London (Elections, etc.) ..	Rep. in part 50 & 51 Vict. c. xiii.
c. iii.	Blackfriars and Southwark Bridges.	
c. v.	Southwark & Vauxhall Water Co.	See 2 Edw. 7, c. 41.
c. lv.	Holborn Viaduct.	
c. lxxviii.	North London Railway.	
c. lxxx.	Greenwich and S.E. Docks.	
c. lxxv.	Metropolitan Railway.	
c. lxxvi.	North Metropolitan Railway.	
c. xci.	City of London Street Improve- ments.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
30 & 31 Vict. (1867) (<i>cont.</i>)		
c. ci.	Thames Navigation Act 1866 (Extension)	Rep. 57 & 58 Vict. c. clxxxvii.
c. cix.	G.E.R. (Lines in the Metropolis).	
c. cxxxi.	Edgware, Highgate & London Rly (Transfer of, to G.N.R.) and Wat- ford & Edgware Junction Rly. ..	See 33 & 34 Vict. c. lxxi.
c. cxlviii.	East London Waterworks (Thames supply)	See 2 Edw. 7, c. 41.
c. cxlix.	East London Waterworks	
c. cl.	Hammersmith & City Company (Dissolution).	
c. clviii.	St. Clement Danes Improvement Act, 1865 (Extension)	Rep. Westminster Order in Council 1901.
c. cxcvii.	Waterloo & Whitehall Railway ..	Semble abandoned.
c. cci.	Wandsworth Bridge.	
c. ccii.	Fullham Railway.	
c. 8 (Priv.)	Charterhouse.	
31 & 32 Vict. (1868)		
c. 5	Metropolitan Streets Act (Amend- ment).	
c. 8	London Museum Site.	
c. 17	London Coal and Wine duties ..	Rep. 56 & 57 Vict. c. 14 (S.L.R.).
c. 43	Thames Embankment	Rep. 32 & 33 Vict. c. 102, s. 50.
c. 46 (ss. 4, 5)	Boundary Act.	
c. 67	Police Rate.	
c. 106	Metropolitan Fairs.	
c. 122 (ss. 9, 11, 35)	Poor Law (Amendment).	
c. 127	St. Mary, Somerset (City of London).	
c. iv.	North London Railway.	
c. v.	Grand Junction Waterworks ..	See 2 Edw. 7, c. 41.
c. vii.	Marylebone (Stingo Lane) Im- provement.	
c. viii.	Thames Subway, Tower Hill.	
c. xv.	St. Saviour, Southwark	Rep. 46 & 47 Vict. c. xi.
c. xvi.	St. Luke, King's Cross (New parish).	
c. xlv.	St. Mary, Lambeth (Market).	
c. l.	North & S.W. Junction Railway ..	See 34 & 35 Vict. c. excii.
c. lxxx.	Metropolitan Board of Works (Sub- ways)	Superseded 56 & 57 Vict. c. ccii.
c. ci.	Tottenham & Hampstead Railway.	See 2 Edw. 7, c. cli.
c. cvi.	Gas Light & Coke Company.	
c. cviii.	Metropolitan District Railway.	
c. cix.	Metropolitan Railway.	
c. cxi.	Thames Embankment (North and south).	
c. cxix.	Kent Waterworks	See 2 Edw. 7, c. 41.
c. cxx.	London & Blackwall Railway.	
c. cxxv.	City of London Gas.	
c. cxxxv.	Thames Embankment (Chelsea).	
c. cxlix.	Met. & St. John's Wood Railway ..	See 45 & 46 Vict. c. xciv.
c. cliv.	River Lee Improvement.	
c. clx.	St. Pancras (Ecclesiastical regula- tions).	
c. clxii.	East London Railway	See 45 & 46 Vict. c. clxxxi.
c. clxviii.	Lambeth Market.	
c. clxix.	Waterloo & Whitehall Railway ..	Semble abandoned.
c. clxxix.	Belgravia Road Company.	
32 & 33 Vict. (1869)		
c. 44	Greenwich Hospital.	
c. 63	Metropolitan poor (Amendment).	
c. 67	Valuation (Metropolis).	
c. 82	Metropolitan Buildings	Rep. 57 & 58 Vict. c. cexiii.

Year, statute and chapter.	Subject matter.	Repeals, etc.
32 & 33 Vict. (1869) (cont.)		
c. 95	Millbank Prison	Rep. 55 & 56 Vict. c. i.
c. 102	Metropolitan Board of Works (loans).	
c. 107	Metropolitan commons (Amend- ment).	
c. 115	Metropolitan Public carriage ..	See 2 Edw. 7, c. 41.
c. i.	West Middlesex Waterworks.	
c. iii.	London Necropolis & National Mausoleum Company.	
c. iv.	Lambeth Waterworks	See 2 Edw. 7, c. 41.
c. viii.	St. Giles Without, Cripplegate.	
c. xii.	Great Tower Hill Improvements ..	Rep. Stepney Order in Council 1901.
c. xix.	Kew and other Bridges.	
c. xx.	Holborn Viaduct.	
c. xxiii.	University College, London.	
c. xxx.	Subways (City of London).	
c. xxxv.	Hounslow & Metropolitan Railway	Dissolved. See 43 & 44 Vict. c. cxc.
c. xlv.	Albert Bridge.	
c. xlv.	St. Martin-in-the-Fields (Work- house fund).	
c. lxii.	Metropolitan District Railway.	
c. lxvii.	All Saints', Bishopsgate, etc.	
c. lxix.	Harrow, Edgware & London Railway	Rep. 37 & 38 Vict. c. cvi.
c. lxxvii.	St. James's Chapel, Hampstead Road	Rep. Westminster Order in Council 1901.
c. lxxxix.	Great Eastern Railway (Metro- politan undertaking).	
c. xc.	St. Mary, Newington (Cure of Souls).	
c. xciv.	Metropolitan Street Tramways Co.	
c. xcvi.	Pimlico, Peckham & Greenwich Street Tramways Company.	
c. xcix.	Crystal Palace & South London Junction Railway	See 38 & 39 Vict. c. cxxxix.
c. ci.	North Metropolitan Tramways.	
c. cxxviii.	Imperial Gas Light & Coke Com- pany	See Order in Council (1876) made under 31 & 32 Vict. c. cxxv.
c. cxxx.	South Metropolitan Gas Light & Coke Company.	
c. cxxxiv.	Park Lane Improvement.	
c. cxxxvi.	Metropolitan Railway.	
c. clv.	Belgravia and South Kensington New Road.	
c. clvii.	St. Luke, Chelsea (Market).	
33 & 34 Vict. (1870)		
c. 18	Metropolitan poor (Amendment).	
c. 24	Metropolitan Board of Works (Loans).	
c. 60	City of London Brokers	Rep. 56 & 57 Vict. c. 54 (S.L.R.).
c. 75	Education.	
c. 78	Tramways.	
c. 100	Greenwich Hospital.	
c. xv.	Female Orphan Asylum.	
c. xx.	Millwall Canal Company.	
c. xxxix.	North Metropolitan Railway.	
c. xlvii.	Metropolitan & St. John's Wood Railway	See 45 & 46 Vict. c. xciv.
c. lii.	G.E. Railway (Metropolitan lines).	
c. lv.	East London Railway.	
c. lxii.	London & Blackwall Railway.	
c. lxxi.	Watford & Edgware Junction Railway (Abandonment).	
c. xcii.	Thames Embankment (north).	

Year, statute and chapter.	Subject matter.	Repeals, etc.
33 & 34 Vict. (1870) (cont.)		
c. xciv.	Metropolitan District Railway.	
c. ciii.	Metropolitan Railway (Tower Hill).	
c. cix	Tottenham & Hampstead Junction Railway	See 2 Edw. 7, c. c i.
c. cxvii.	St. Olave and St. John, Southwark	Rep. Bermondsey Order in Council 1901.
c. cxxi.	Victoria Docks Gas Co. (Transfer).	
c. cxxiv.	Southwark Subway.	
c. cxxv.	Wandsworth Bridge.	
c. cxlix.	Thames Conservancy	Rep. 57 & 58 Vict. c. clxxxvii.
c. clxii.	Dagenham (Thames Dock).	
c. clxvii.	Pimlico, Peckham & Greenwich Street Tramways Company.	
c. clxxi.	London Street Tramways Company.	
c. clxxii.	North Metropolitan Tramways Co.	
c. clxxiii.	Metropolitan Street Tramways Co.	
c. clxxiv.	Pimlico, Peckham & Greenwich Street Tramways Company.	
34 & 35 Vict. (1871)		
c. 15	Metropolitan Poor.	
c. 35	Metropolitan Police Court (Buildings)	Rep. 46 & 47 Vict. c. 39 (S.L.R.); 56 & 57 Vict. c. 54 (S.L.R.); 60 & 61 Vict. c. 26.
c. 39	Metropolitan buildings (Deptford Cattle Market)	Rep. 57 & 58 Vict. c.ccxiii. s. 215.
c. 47	Metropolitan Board of Works (loans).	
c. 57	Courts of Justice (Additional site).	
c. 93	Epping Forest.	
c. 113	Metropolis Water.	
c. iii.	City of London Court.	
c. iv.	South Eastern Ry. (Greenwich line).	
c. vii.	Tower Subway Company.	
c. xii.	North London Railway.	
c. xlvii.	Metropolitan Railway.	
c. liv.	Leadenhall Market	Rep. 42 & 43 Vict. c. cii.
c. lv.	Billingsgate Market.	
c. lvii.	Metropolitan Commons (Blackheath).	
c. lxiii.	Metropolitan Commons (Shepherd's Bush).	
c. lxxiii.	Albert Bridge Company.	
c. lxxv.	Gas Light and Coke Company.	
c. lxxvii.	Hampstead Heath.	
c. lxxxiii.	Lambeth Waterworks	See 2 Edw. 7, c. 41.
c. cxxi.	Wharves & Warehouses Steam Powers & Hydraulic Pressure Co.	
c. cxxii.	Bethlem Hospital.	
c. cxxix.	Hornsey Local Board (Drainage).	
c. cxxxviii.	London, Chatham & Dover Railway (Holborn Viaduct station).	
c. cl.	East London Railway	See 45 & 46 Vict. c. clxxxi.
c. clii.	Columbia Market (Bethnal Green).	
c. clxxix.	North Metropolitan Tramways Co.	
c. clxxxi.	Wandsworth Common.	
c. cxcii.	North & South Western Junction Railway (lease of, to London & North-Western, Midland, and North London Railway Co's).	
c. exciv.	Harrow, Edgware & London Rly..	Rep. 37 & 38 Vict. c. cvi.
c. excix.	Tottenham & Hampstead Junction Railway	See 2 Edw. 7, c. cli.
c. ccii.	London Central Railway...	Abandoned 38 & 39 Vict. c. cxiv.
c. cciii.	London & Aylesbury Railway ..	See 35 & 36 Vict. c. cxcvii.

Year, statute and chapter.	Subject matter.	Repeals, etc.
35 & 36 Vict. (1872)		
c. 43	Metropolitan Tramways	Rep. 46 & 47 Vict. c. 39 (S.L.R.).
c. 53	Victoria Park.	
c. 67	Greenwich Hospital.	
c. 80	Kensington Station and North & South London Junction Railway	Rep. 46 & 47 Vict. c. 39 (S.L.R.).
c. 95	Epping Forest.	
c. iii.	Southwark & Vauxhall Water Co. . .	See 2 Edw 7, c. 41.
c. xxiii.	Gas Light & Coke Company.	
c. xxiv.	Great Eastern Railway.	
c. xxvii.	St. Clement Danes (Improvements).	
c. xxix.	Trinity Church (Gray's Inn Road) Schools.	
c. xxxvi.	Corn Exchange, Mark Lane.	
c. xliii.	Metropolitan Commons (Hackney Commons).	
c. xlix.	Metropolis (Kilburn and Harrow) roads.	
c. lviii.	Metropolitan Railway.	
c. lxv.	Education Department Provisional Order Confirmation (London).	
c. lxvi.	Thames Embankment (North).	
c. lxxxi.	Holborn Valley and Farringdon Market.	
c. lxxxii.	Newport Market, St. Ann, Soho, etc.	
c. c.	Metage on grain (Abolition of), Port of London.	
c. cxxxvii.	Temple Subway Company.	
c. cl.	Southwark Bridge Company.	
c. cliii.	South Eastern Railway (Greenwich, etc., lines).	
c. cliv.	Lambe's Chapel, Cripplegate.	
c. clix.	Brighton & London Sea Water Co.	
c. clxiii.	Metropolitan street improvements.	
c. clxxx.	Pneumatic Despatch Company ..	Semble spent.
c. exc.	Metropolitan & South-Western Junction Railway.	
c. excii.	South Kensington Railway station and Royal Albert Hall Railway.	
c. excvii.	London & Aylesbury Railway (transfer of portion to London & North-Western Railway).	
36 & 37 Vict. (1873)		
c. 4	King's College, London.	
c. 5	Epping Forest Commission ..	Spent.
c. 8	Income Tax assessment and asses- sors (Metropolis)	Rep. 46 & 47 Vict. c. 39 (S.L.R.).
c. 40	Thames Embankment land.	
c. 55	University of London.	
c. vi.	St. Marylebone Vestry (Surplus lands).	
c. vii.	Thames Embankment (South).	
c. xxiii	Education Department Provisional Order Confirmation (London).	
c. xlv.	Grand Junction Waterworks ..	See 2 Edw. 7, c. 41.
c. lv.	Pimlico, Peckham & Greenwich Street Tramways.	
c. lxxviii.	North Metropolitan Tramways.	
c. lxxxv.	Southall and Shepherd's Bush Tramways.	
c. lxxxvi.	Metropolitan Commons (Tooting Bec).	
c. excvii.	Albert Bridge.	
c. c.	Charing Cross and Victoria Em- bankment Approach.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
36 & 37 Vict. (1873) (cont.)		
c. cxvi.	Gas Light & Coke Company.	
c. cxxxi.	Metropolitan District Railway ..	See 37 & 38 Vict. c. cxxxi.
c. cxxxiii.	Columbia Market, Bethnal Green.	
c. cxlvi.	London Central Railway	Abandoned. See 38 & 39 Vict. c. cxiv.
c. cxlix.	London & Aylesbury Railway ..	See 35 & 36 Vict. c. cxvii.
c. clxi.	London & South-Western Railway (Railways in Battersea).	
c. clxiii.	London & Blackwall Railway.	
c. clxvi.	Wandsworth Bridge.	
c. clxix.	Belgrave Market, Chelsea.	
c. clxxx.	Metropolitan District Railway.	
c. clxxxii.	Metropolitan Railway.	
c. cxci.	London & Blackwall Railway.	
c. cciv.	London Tramways Company.	
c. ccxiv.	Education Department Provisional Order Confirmation (London).	
c. ccxv.	London Street Tramways.	
c. ccxviii.	Beckenham Sewerage.	
c. ccxxi.	London Street Tramways.	
c. ccxxiii.	Metropolitan Street Tramways.	
c. ccxlvii.	Metropolitan & St. John's Wood Railway	See 45 & 46 Vict. c. xciv.
37 & 38 Vict. (1874)		
c. 7	Middlesex Sessions	Rep. 61 & 62 Vict. c. 22 (S.L.R.).
c. 58	Expenses of Police (Metropolis) ..	Rep. 46 & 47 Vict. c. 39 (S.L.R.).
c. 67	Slaughter-houses (Metropolis) ..	Rep. 54 & 55 Vict. c. 76.
c. 89	Sanitary Law Amendment (London)	Rep. (except ss. 46 & 49) 38 & 39 Vict. c. 55, and 54 & 55 Vict. c. 76.
c. ii.	City of London Police Force (superannuation).	
c. vii.	East London Railway	See 45 & 46 Vict. c. clxxxi.
c. x.	Leicester Square.	
c. xxi.	Kew and other Bridges.	
c. xxxii.	Hammersmith Extension Railway (transfer to Met. District Rly.).	
c. xxxix.	London & Blackwall Railway.	
c. xlv.	North Metropolitan Tramways.	
c. li.	Metropolitan Railway.	
c. lix.	East & West India Dock	See 51 & 52 Vict. c. cxliii.
c. lxxv.	North London Railway.	
c. lxxxii.	Cadogan and Hans Place Improve- ments.	
c. lxxxiv.	London Central Railway	Abandoned 38 & 39 Vict. c. cxiv.
c. lxxxvi.	North and South Woolwich Sub- way	Semble abandoned.
c. lxxxix.	Local Government Board Pro- visional Order Confirmation (South Hornsey)	Rep. Stoke Newington Order in Council 1901.
c. xcvi.	Lee Conservancy Act.	
c. xcvi.	Metropolitan Board of Works (Fins- bury Park).	
c. cvi.	Harrow, Edgware & London Railway (Abandonment).	
c. exxii.	Crystal Palace & South London Junction Railway	See 38 & 39 Vict. c. cxxxix.
c. exxviii.	Great Eastern Railway (Alexandra Palace & Park Railways).	
c. cxliii.	London & South-Western Railway (Waterloo terminus, etc.).	
c. cxlix.	Metropolitan Railway.	
c. clxxxiii.	London Street Tramways.	
c. clxxxiv.	Education Department Provisional Order Confirmation (London).	
c. excix.	Metropolitan Inner Circle Railway	Abandoned. See 44 & 45 Vict. c. lv.

*Chronological Table of Statutes relating specially
to London from 1700 to 1907.*

Year, statute and chapter.	Subject matter.	Repeals, etc.
38 & 39 Vict. (1875)		
c. 3	Metropolitan Police Magistrates.	
c. 6	Epping Forest Commissioners.	
c. 21	Public Entertainments.	
c. 28	Metropolitan Police Staff (Super- annuation).	
c. 33	Metropolis Management Acts (Amendment)	Obsolete.
c. 34	Diocese of London, etc.	
c. 48	Police expenses (Metropolis) . .	Rep. 56 & 57 Vict. c. 54 (S.L.R.).
c. 55	Public Health.	
c. 65	Metropolitan Board of Works (Loans).	
c. iii.	Columbia Market, Bethnal Green.	
c. iv.	Commissioners of Sewers (City of London).	
c. xli.	Metropolitan Cattle Market.	
c. lix.	Metropolitan Meat and Poultry Market.	
c. lxi.	East London Railway	See 45 & 46 Vict. c. clxxxi.
c. lxxii.	St. Pancras and St. Giles-in-the- Fields (Disused Burial grounds) . .	ss. 21 & 22 rep. St. Pancras Order in Council 1901.
c. lxxiv.	St. Paul's Cathedral.	
c. lxxxvii.	Middlesex Industrial Schools Act (Amendment).	
c. cvii.	Metropolitan Railway.	
c. cviii.	Chelsea Waterworks	See 2 Edw. 7, c. 41.
c. cxiv.	London Central Railway (Abandon- ment).	
c. cxviii.	Chelsea Hospital.	
c. cxxxix.	Crystal Palace & South London Junction Railway (Transfer to London, Chatham & Dover Rail- way Company).	
c. cliii.	London & St. Katharine Docks.	
c. clxxiii.	Education Department Provisional Order Confirmation (London).	
c. clxxiv.	Education Department Provisional Order Confirmation (London).	
c. clxxvii.	Chelsea Bridge.	
c. clxxix.	Metropolitan Board of Works (Various Powers).	
c. excix.	Sion College.	
c. cc.	Commercial Gas Company.	
c. ccii.	Metropolitan & South-Western Junction Railway.	
c. cevi.	Regent's Canal & Dock Company.	
c. cviii.	Metropolitan District Railway.	
39 & 40 Vict. (1876)		
c. 3	Epping Forest Commissioners . .	Rep. 61 & 62 Vict. c. 22 (S.L.R.).
c. 14	Chelsea Hospital	
c. 55	Metropolitan Board of Works (Loans).	
c. 57	Central Criminal Court.	
c. 61	Divided Parishes and Poor Law (Amendment).	
c. xxxvii.	Thames Tunnel (East London Rly.)	
c. lii.	East London Railway	See 45 & 46 Vict. c. clxxxi.
c. liv.	London & Blackwall Railway.	
c. lvi.	Royal Albert Hall.	
c. lxxvi.	Metropolis (Kilburn and Harrow) Roads.	
c. lxxix.	Metropolitan Board of Works (various powers).	
c. cl.	Shepherd's Bush & Priory Road, Acton, Tramway.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
39 & 40 Vict. (1876) (<i>cont.</i>)		
c. cc.	Metropolis (Whitechapel and Limehouse) Improvements.	
c. ccxiii.	Tooting, Merton & Wimbledon Railway.	
c. ccxx.	Bridges and Roads (Bow and Stratford)	Spent so far as relating to London.
c. ccxxv.	Gas Light & Coke Company.	
c. ccxxvi.	Metropolitan Inner Circle Railway	Abandoned. See 44 & 45 Vict. c. lv.
c. ccxxix.	South Metropolitan Gas Light & Coke Company.	
c. ccxxxviii.	Bow Street Police Court.	
c. ccxxxix.	Education Department Provisional Order Confirmation (London).	
c. ccxliii.	London, Essex & Kent Coast Railway	Rep. 40 & 41 Vict. c. ccxxxix.
40 & 41 Vict. (1877)		
c. 35	Metropolitan Open Spaces ..	Rep. 6 Edw. 7, c. 25.
c. 52	Metropolitan Board of Works (Money).	
c. 55	Public Record Office.	
c. 58	Police expenses	Rep. 46 & 47 Vict. c. 39 (S.L.R.).
c. vii.	Motage on Grain.	
c. viii.	Metropolitan Board of Works.	
c. lxiii.	London & Blackwall Railway (Limehouse extension).	
c. lxiv.	Millwall & Greenwich Subway Company	Semble lapsed. See 60 & 61 Vict. c. ccxxiv.
c. lxxxv.	Metropolitan Railway.	
c. xcix.	Metropolis Toll Bridges.	
c. c.	Improvements Provisional Order Confirmation (City of London).	
c. ciii.	Improvements Provisional Order Confirmation (Whitechapel).	
c. civ.	Education Department Provisional Order Confirmation (London).	
c. cxi.	North Metropolitan Tramways.	
c. cxxxiii.	Metropolis (Great Wild Street) improvement.	
c. cxlv.	Woolwich, Plumstead & Charlton Consumers Gas Company.	
c. clvi.	East London Railway	See 45 & 46 Vict. c. clxxxii
c. clxxxi.	South-Eastern Railway.	
c. cxev.	Limehouse & Rotherhithe Subway.	Semble lapsed.
c. cci.	Metropolitan commons.	
c. ccxvii.	Kent Waterworks Company ..	See 2 Edw. 7, c. 41.
c. ccxix.	London Street Tramways Company.	
c. ccxxiv.	Brighton & London Sea Water Supply.	
c. ccxxxiii.	Metropolitan District Railway.	
c. ccxxxv.	Metropolitan street Improvements.	
c. ccxxxix.	London, Essex & Kent Coast Junction Railway (abandonment).	
41 & 42 Vict. (1878)		
c. 4	Polling hours (Metropolitan elections)	Rep. 48 & 49 Vict. c. 10.
c. 29	Monuments (Metropolis): Cleopatra's Needle.	
c. 32	Metropolis Management & Building Acts Amendment.	
c. 36	Police expenses	Rep. 46 & 47 Vict. c. 39 (S.L.R.).
c. 37	Metropolitan Board of Works (Money).	
c. 55	British Museum.	
c. 71	Metropolitan Commons.	

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Year, statute and chapter.	Subject matter.	Repeals, etc.
41 & 42 Vict. (1878) (<i>cont.</i>)		
c. xii.	Serle Street and Cook's Court improvement.	
c. xxii.	London & St. Katharine Docks.	
c. cxi.	Education Department Provisional Order Confirmation (London).	
c. cxii.	Metropolis (Bowman's Buildings, Marylebone, and Essex Road, Islington) Improvement Provisional Order Confirmation.	
c. cxxvii.	Open spaces (City of London).	
c. cxxxiv.	Grand Junction Waterworks ..	See 2 Edw. 7, c. 41.
c. cxlv.	Plumstead Common.	
c. cliv.	Metropolitan District Railway.	
c. clxxxiii.	Metropolitan Railway.	
c. clxxxviii.	Cromwell Road (Kensington) Bridge.	
c. cxcix.	South-Eastern Railway (Extension of time for works at Bermondsey).	
c. cxxiii.	Epping Forest.	
c. cxxvi.	Thames Conservancy	Rep. 57 & 58 Vict. c. clxxxvii.
c. cxxxi.	Metropolitan Inner Circle ..	Abandoned. See 44 & 45 Vict. c. lv.
42 & 43 Vict. (1879)		
c. 1	Central Criminal Court.	
c. 18	Racecourses Licensing.	
c. 68	Met. Board of Works (Indemnity)	Rep. 57 & 58 Vict c. 56 (S.L.R.).
c. 69	Met. Board of Works (Money).	
c. 73	Commissioners of Woods (Thames piers).	
c. vi.	Grand Junction Waterworks ..	See 2 Edw. 7, c. 41.
c. vii.	North & South Woolwich Subway	Semble lapsed.
c. x.	New River Company	See 2 Edw. 7, c. 41.
c. xxii.	St. Bartholomew's Hospital.	
c. xxxix.	St. Pancras (Loans).	
c. xlix.	East London Railway	See 45 & 46 Vict. c. clxxxi.
c. lix.	Education Department Provisional Order Confirmation (London).	
c. lxiii.	City of London School.	
c. lxvii.	Millwall Docks.	
c. lxxii.	London, Deptford & Greenwich Tramways.	
c. lxxix.	Metropolis Improvements Provisional Order Confirmation.	
c. lxxx.	Metropolis (Whitechapel and Limehouse) Improvements.	
c. xciii.	Christchurch, Newgate Street (Tithes).	
c. cii.	Leadenhall Market.	
c. cx.	Great Northern Railway (Arrangements with Great Eastern Railway).	
c. cxlvii.	Metropolitan Railway.	
c. clx.	Wormwood Scrubs.	
c. clxix.	East & West India Dock Company	See 51 & 52 Vict. c. cxliii.
c. clxxvi.	Commutation of Tithes in the City of London.	
c. clxxxiv.	London Bridge.	
c. clxxxix.	London Street Tramways.	
c. exciii.	North London Suburban Tramways.	
c. exevii.	South London Tramways.	
c. exeviii.	Thames River Prevention of Floods.	
c. cci.	Metropolitan and Metropolitan District Railways.	
c. ccix.	Knightsbridge and other Crown lands.	

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Year, statute and chapter.	Subject matter.	Repeals, etc.
43 & 44 Vict. (1880)		
c. 25	Metropolitan Board of Works (Money).	
c. 29	Courts of Justice building (Amendment)	
c. vii.	Vestry of St. Luke's (Surplus lands).	Rep. 57 & 58 Vict. c. 56 (S.L.R.).
c. xvi.	South London Tramways.	
c. xxx.	Metropolis (Kilburn and Harrow) Roads Act 1872 Amendment.	
c. xxxi.	Trinity Hospital, Greenwich.	
c. lix.	Local Government Board Provisional Order Confirmation (Woolwich).	
c. lxxii.	Wandsworth & Putney Gas Light & Coke Company.	
c. lxxx.	Kensington, etc., Improvements ..	Rep. Kensington Order in Council 1901.
c. xciv.	South Western (London) District Post Office.	
c. xevi.	London Gas Light Company ..	See Order in Council (1883) made under 31 & 32 Vict. c. cxv.
c. xevii.	North Metropolitan Tramways.	
c. cvi.	Metropolitan District Railway.	
c. cxxx.	Epping Forest.	
c. cxxxi.	Metropolis (High Street, Islington) Improvements.	
c. cxxxiv.	Metropolitan Railway.	
c. clv.	London Tramways Company.	
c. clxvi.	Metropolitan Railway.	
c. clxxiii.	Woolwich & Plumstead Tramways.	
c. clxxxi.	Gas Light & Coke, Commercial Gas, and South Metropolitan Gas Companies.	
c. exc.	Hounslow & Metropolitan Railway (Dissolution).	
c. ccv.	Education Department Provisional Order Confirmation (London).	
44 & 45 Vict. (1881)		
c. 7	Public buildings (Downing Street).	
c. 10	Inland Revenue buildings.	
c. 34	Metropolitan Open Spaces ..	Rep. 6 Edw. 7, c. 25.
c. 48	Metropolitan Board of Works (Money).	
c. 64	Central Criminal Court (Prisons).	
c. xviii.	Metropolitan Commons.	
c. xxiii.	North & South Woolwich Subway.	Semble lapsed.
c. xxv.	Metropolitan Railway.	
c. xxxiii.	London & Blackwall Railway.	
c. lv.	Metropolitan & District Railways (Abandonment of Metropolitan Inner Circle Completion).	
c. lxi.	Local Government Board Provisional Order Confirmation (Metropolis).	
c. lxxxi.	West Ham (Extension of powers).	
c. lxxxvi.	Metropolitan District Railway.	
c. lxxxix.	Commissioners of Sewers (City of London).	
c. xciii.	London, Chatham & Dover Rly.	
c. cv.	Woolwich & South-East London Tramways.	
c. cviii.	East London Railway ..	See 45 & 46 Vict. c. clxxxi.
c. cx.	Supply of sea water to London.	
c. cxvii.	Aylesbury & Rickmansworth Rly.	
c. cxlii.	Thames Deep Water Dock ..	Semble lapsed.

Year, statute and chapter.	Subject matter.	Repeals, etc.
44 & 45 Vict. (1881) (cont.)		
c. cxlviii.	Metropolitan Board of Works (Hackney Commons).	
c. clx.	East London Waterworks ..	See 2 Edw. 7, c. 41.
c. clxii.	Local Government Board Pro- visional Order Confirmation (Woolwich).	
c. clxiv.	Shepherd's Bush & Hammersmith Tramway.	
c. clxvii.	Education Department Provisional Order Confirmation (London).	
c. clxx.	Lea Bridge, Leyton & Waltham- stow Tramways.	
c. clxxii.	South Metropolitan Gas Company.	
c. clxxiii.	Southwark & Deptford Tramways.	
c. clxxxiv.	South London Tramways.	
c. cxcii.	Metropolitan bridges.	
c. cxcvii.	St. Botolph Without, Aldgate (tithes).	
c. cxeviii.	Greenwich Dock and Railway ..	See 45 & 46 Vict. c. ccxix.
c. cxix.	Kingston & London Railway ..	See 49 & 50 Vict. c. cx.
45 & 46 Vict. (1882)		
c. 14	Metropolis Management and Build- ings	Rep. 57 & 58 Vict. c. ccxiii.
c. 32	Public buildings (Admiralty and War Office).	
c. 33	Metropolitan Board of Works (Money).	
c. ii.	London and St. Katharine's Docks.	
c. ix.	City of London Court House.	
c. xiii.	King's College, London.	
c. xxxvi.	Millwall Docks.	
c. xxxviii.	South Metropolitan Gas Company.	
c. lvi.	Metropolitan Board of Works (Various Powers).	
c. lxx.	Highgate Hill Tramways.	
c. xc.	East and West India Docks.	
c. xciv.	Metropolitan Railway (Transfer of Metropolitan & St. John's Wood Railway).	
c. civ.	City of London markets.	
c. cxiii.	Greenwich & Millwall Subway Co.	Semble lapsed.
c. cxxxvi.	North Metropolitan Tramways.	
c. cxli.	Education Department Provisional Order Confirmation (London).	
c. cxliv.	South London Market.	
c. cxlvi.	London Riverside Fish Market ..	See 1 Edw. 7, c. lxxi.
c. cxlvii.	Metropolitan & District Railways.	
c. cxliii.	London Street Tramways.	
c. clxxxi.	East London Railway (Leasing to L.B. & S.C., S.E., G.E., Midland & Met. Dist. Railways).	
c. cxcii.	South London Tramways.	
c. cxciv.	North London Suburban Tramway.	
c. cxevi.	St. Paneras (Guardians' lands).	
c. cev.	West Metropolitan Tramways.	
c. cevii.	Limehouse Subway	Semble lapsed.
c. cexiii.	London, Camberwell & Dulwich Tramways.	
c. cexix.	Greenwich Dock & Railway (Trans- fer of Railway to S.E. Railway).	
c. cexxii.	Metropolitan Street Improvements.	
c. cexxvi.	Peckham and Lewisham (New Road).	
c. cexlvii.	Latimer Road & Acton Railway ..	Abandoned. See 63 & 64 Vict. c. xc.
c. cexlviii.	Kingston & London Railway ..	See 49 & 50 Vict. c. cx.

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Year, statute and chapter.	Subject matter.	Repeals, etc.
[45 & 46 Vict. (1882) (<i>cont.</i>) c. ccl.	Wimbledon & West Metropolitan Junction Railway	See 49 & 50 Vict. c. ex.
c. cclv.	Charing Cross & Waterloo Electric Railway	Rep. 48 & 49 Vict. c. lxxi.
c. ccvii.	London Southern Tramways.	
c. cclix.	Metropolitan District Railway.	
c. ccxii.	Regent's Canal, City & Docks Railway Company (North Metro- politan Railway & Canal Co.) . .	See 55 & 56 Vict. c. clxxxviii.
c. ccxiii.	South-Eastern Railway (City of London lines).	
c. ccxiv.	Metropolitan Outer Circle Railway	Rep. 48 & 49 Vict. c. clxiii.
46 & 47 Vict. (1883)		
c. 4	National Gallery.	
c. 27	Metropolitan Board of Works (Money).	
c. 32	Greenwich Hospital.	
c. 35	Diseases prevention (Metropolis) . .	Rep. 54 & 55 Vict. c. 76.
c. 36	Parochial charities (City of London)	Rep. 61 & 62 Vict. c. 22 (S.L.R.).
c. xi.	St. Saviour (Southwark): abolition of Church rate.	
c. xxiii.	Metropolitan street improvements . .	Spent.
c. xxv.	North London Railway.	
c. xxviii.	Lambeth Waterworks	See 2 Edw. 7, c. 41.
c. xxxvi.	Metropolitan Railway.	
c. xxxix.	London, Tilbury & Southend Railway and East & West India Docks.	
c. xlix.	Hounslow & Metropolitan Railway.	See 43 & 44 Vict. c. exc.
c. li.	East London Railway.	
c. lxix.	Deaf and Dumb Asylum, Old Kent Road.	
c. lxxix.	Thames Conservancy	Rep. 57 & 58 Vict. c. clxxxvii.
c. lxxx.	Local Government Board Pro- visional Order Confirmation (Lambeth)	Rep. Lambeth Order in Council 1901.
c. xciv.	Metropolis (Tench Street) Provi- sional Order Confirmation.	
c. xc.	Metropolis (Brook Street) Provi- sional Order Confirmation.	
c. exvi.	Metropolis (Windmill Row) Pro- visional Order Confirmation.	
c. xevii.	Metropolis (Trafalgar Road) Pro- visional Order Confirmation.	
c. cxxxii.	Education Department Provisional Order Confirmation (London).	
c. cxlii.	North London Tramways Company.	
c. cxliii.	Paddington Market.	
c. cxliv.	Regent's Canal, City & Docks Railway	See 55 & 56 Vict. c. clxxxviii.
c. cxlvii.	South London Tramways.	
c. clxxvii.	Metropolitan Board of Works (Bridges, etc.).	
c. clxxviii.	Metropolitan Street Improvements	
c. clxxxvi.	Bexley Heath Railway.	
c. cxci.	Metropolitan District Railway (Ventilators).	
c. cciv.	London, Tilbury & Southend Railway.	
c. ccvi.	London, Hendon & Harrow Rly. . .	Rep. 50 & 51 Vict. c. xxxvii.
c. ccvii.	Metropolitan District Railway.	
c. ccviii.	Metropolitan Outer Circle Railway	Rep. 48 & 49 Vict. c. clxiii.
c. ccxii.	Regent's Canal, City & Dock Railway	See 55 & 56 Vict. c. clxxxviii.

Year, statute and chapter.	Subject matter.	Repeals, etc.
46 & 47 Vict. (1883) (<i>cont.</i>)		
c. cexiii.	Electric Lighting Provisional Order (Chelsea, Greenwich)	Revoked 1884.
c. cexvii.	Electric Lighting Provisional Order (Bermondsey, etc.)	Revoked 1884.
c. cexviii.	Electric Lighting Provisional Order (Limehouse, Poplar, etc.)	Revoked 1884.
c. cexix.	Electric Lighting Provisional Order (Hackney, etc.)	Revoked 1884.
c. cexxx.	Electric Lighting Provisional Order (Hanover Square, etc.)	Revoked 1885.
c. cexxii.	Electric Lighting Provisional Order (St George the Martyr)	Revoked 1884.
c. cexxxvii.	Peckham & East Dulwich Tram- ways.	
47 & 48 Vict. (1884)		
c. 3	London brokers (Relief)	Rep. 61 & 62 Vict. c. 22 (S.L.R.).
c. 5	Valuation (Metropolis) Amendment.	
c. 17	Metropolitan Police.	
c. 32	Chelsea: Royal Military Asylum.	
c. 50	Metropolitan Board of Works (Money).	
c. 60	Metropolitan Asylums Board . .	Rep. 54 & 55 Vict. c. 76, s. 142.
c. ii.	Metropolitan commons (Streatham Common).	
c. v.	Sion College.	
c. xv.	London & St. Katharine's Docks.	
c. xviii.	London Hospital.	
c. xxi.	Highgate Archway Company (disso- lution of).	
c. xxii.	St. Mary Abbots, Kensington . .	Rep. Kensington Order in Council 1901.
c. lvii.	London Tramways.	
c. lxxii.	London Hydraulic Power.	
c. lxxvi.	Electric lighting (City of West- minster)	Revoked 1887.
c. lxxxiii.	Local Government Board Provisional Order Confirmation (White- chapel)	Rep. Stepney Order in Council 1901.
c. lxxxiv.	Provisional Order Electric Lighting (Fulham)	Revoked 1889.
c. lxxxviii.	Cromwell Road Bridge, Kensington	
c. xciv.	London Street Tramways.	
c. xcvi.	Metropolitan District Railway.	
c. c.	West Metropolitan Tramways.	
c. ciii.	Education Department Provisional Order Confirmation (London).	
c. cxv.	Local Government Board Pro- visional Order Confirmation (St. Luke)	Rep. Finsbury Order in Council 1901.
c. cxxxv.	London, Tilbury & Southend Rly.	
c. cxxxvi.	Woolwich Equitable Gas Company.	
c. cxli.	East London Railway (White- chapel Junction).	
c. cxlvii.	Greenwich, Lewisham & Dept- ford Tramways.	
c. cxlviii.	London, Chatham & Dover Railway.	
c. clxvii.	City & Southwark Subway . .	See 53 & 54 Vict. c. cxiv.
c. clxviii.	North Metropolitan Tramways.	
c. clxxvi.	Free steam ferry (city of London).	
c. clxxxv.	Metropolitan Railway.	
c. cxci.	London Southern Tramways.	
c. cxcii.	North London Tramways.	
c. cci.	Southwark & Vauxhall Water Co.	See 2 Edw. 7, c. 41.
c. cexxiii.	Metropolitan Board of Works (various powers).	

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Year, statute and chapter.	Subject matter.	Repeals, etc.
47 & 48 Vict. (1884) (<i>cont.</i>)		
c. cccxv.	Metropolitan Railway.	
c. cccxxviii.	Metropolitan Board of Works (bridges).	
c. cccxxix.	Metropolitan District Railway.	
c. cccxliv.	Lea Bridge, Leyton & Waltham- stow Tramways.	
c. cccxlvii.	Wimbledon & West Metropolitan Junction Railway	See 49 & 50 Vict. c. cx.
c. ccclix.	Metropolitan District Railway.	
48 & 49 Vict. (1885)		
c. 18	Metropolitan streets.	
c. 33	Metropolis management (amend- ment).	
c. 34	Water rate definition.	
c. 38	School Boards	s. 2 rep. 3 Edw. 7, c. 24.
c. 42	Greenwich Hospital.	
c. 45	Post Office sites (London, etc.).	
c. 50	Metropolitan Board of Works (money).	
c. 53	Public Health	Extended to Woolwich 54 & 55 Vict. c. 76, s. 102.
c. 68	Metropolitan Police Staff (Super- annuation).	
c. 76	Thames Preservation	Rep. 57 & 58 Vict. c. clxxxvii.
c. xxv.	East & West India Docks.	
c. xxvi.	North Metropolitan Tramways.	
c. xlv.	East London Railway.	
c. xlix.	London Riverside Fish Market ..	See 1 Edw. 7, c. lxxi.
c. lii.	City of London School for Girls (Ward's).	
c. lxxi.	Charing Cross & Waterloo Electric Railway (Abandonment).	
c. lxxiv.	Columbia Market.	
c. lxxxviii.	Latimer Road & Acton Railway ..	Abandoned 63 & 64 Vict. c. xcv.
c. lxxxvi.	London, Tilbury & Southend Rly.	
c. lxxxix.	Metropolitan Railway.	
c. xcix.	Metropolis (Hughes Fields, Dept- ford) Provisional Order.	
c. c.	Metropolis (Tabard Street, Now- ington) Provisional Order.	
c. cxiii.	Limehouse Subway.	
c. cxiv.	London & Blackwall Railway.	
c. cxv.	London Street Tramways.	
c. cxvi.	St. James's, Bermondsey (Church and Burial ground).	
c. cxxxviii.	Regent's Canal, City & Docks Rly.	
c. cxliv.	North London Railway.	
c. clx.	Greenwich & Millwall Subway.	
c. clxiii.	Metropolitan Outer Circle Railway (abandonment).	
c. clxvii.	Metropolitan Board of Works (various powers).	
c. clxxxix.	Education Department Provisional Order Confirmation (London).	
c. cxcv.	Tower Bridge.	
c. cxci.	Peckham and East Dulwich Tram- ways.	
49 & 50 Vict. (1886)		
c. 11	Metropolitan Police compensation	Rep. 61 & 62 Vict. c. 22 (S.L.R.).
c. 22	Metropolitan Police.	
c. 44	Metropolitan Board of Works (Money).	
c. ii.	Open spaces (City of London).	

Year, statute and chapter.	Subject matter.	Repeals, etc
49 & 50 Vict. (1886) (cont.)		
c. viii.	London Central Markets.	
c. xxvi.	East & West India Dock.	
c. liii.	Westminster Abbey (Restoration of).	
c. lxxi.	Lambeth Waterworks	See 2 Edw. 7, c. 41.
c. lxxxii.	East London Waterworks . .	
c. lxxxv.	Southwark & Vauxhall Water Co.	
c. lxxxvii.	Bexley Heath Railway.	
c. civ.	Harrow Road & Paddington Tramways.	
c. cix.	Lee River Purification.	
c. cx.	Kingston & London & Wimbledon & West Metropolitan Junction Railway (Transfer of, to London & South-Western Railway Co.).	
c. cxii.	Metropolitan Board of Works (Various Powers).	
50 Vict. (1886)		
c. ii.	Education Department Provisional Order Confirmation (London).	
c. xviii.	Electric Lighting Orders Confirmation (Chelsea).	
c. xxxix.	North London Tramways.	
c. xli.	Hampstead Heath (Enlargement).	
c. xlii.	Metropolitan Railway.	
50 & 51 Vict. (1887)		
c. 17.	Metropolis management (Battersea and Westminster).	
c. 31	Metropolitan Board of Works (Money).	
c. 32	Open Spaces	Rep. in part 6 Edw. 7, c. 25.
c. 34	London Parks and Works.	
c. 45	Metropolitan Police.	
c. iv.	London Street Tramways.	
c. xii.	North Metropolitan Tramways.	
c. xiii.	City of London ballot.	
c. xxvii.	Millwall Dock.	
c. xxxvii.	London, Hendon & Harrow Railway (Abandonment).	
c. li.	Regent's Canal, City & Docks Rly.	See 55 & 56 Vict. c. clxxxvi i.
c. lxiii.	Hyde Park Corner (Streets Maintenance).	
c. lxxx.	Bexley Heath Railway.	
c. xciv.	Chelsea Waterworks	See 2 Edw. 7, c. 41.
c. ci.	Metropolis (Cable Street, Shadwell) Provisional Order Confirmation.	
c. cii.	Metropolis (Shelton Street, St. Giles) Provisional Order Confirmation.	
c. cv.	London & Southwark Subway . .	See 53 & 54 Vict. c. cxiv. and 3 Edw. 7, c. clxxxiii.
c. cvi.	Metropolitan Board of Works (various powers).	
c. cxx.	Education Department Provisional Order Confirmation (London).	
c. cxxxv.	St. Pancras loans (Amendment).	
c. cxxxvi.	Metropolitan Railway.	
c. cxxxvii.	Clissold Park (Stoke Newington).	
c. clvi.	Metropolitan District Railway.	
c. clxv.	East London Railway.	
c. clxxii.	Thames Tunnel (Blackwall).	
c. clxxxiii.	Peckham & East Dulwich Tramways.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
50 & 51 Vict. (1887) (<i>cont.</i>)		
c. clxxxiv.	Westminster (Parliament Street, etc.) Improvements.	
c. clxxxvii	Bankruptcy Offices (Site).	
c. cxcvi.	(Provisional Order) West Metro- politan Tramways.	
51 & 52 Vict. (1888)		
c. 6	Metropolitan Board (Commission)	Spent.
c. 11	Westminster Abbey.	
c. 40	Metropolitan Board of Works (money).	
c. 41	Local Government.	
c. 52	Public Health (Buildings in Streets)	Extended to Woolwich 54 & 55 Vict. c. 76, s. 102.
c. iii.	Columbia Market (Extension of time).	
c. vi.	Kent Waterworks	See 2 Edw. 7, c. 41.
c. xxxii.	Metropolis (Whitechapel and Lime- house) Provisional Order Con- firmation.	
c. xxxviii.	City of London fire inquests.	
c. lvi.	Metropolitan Police Provisional Order Confirmation.	
c. lvii.	Thames Tunnel (Blackwall).	
c. lx.	Boxley Heath Railway.	
c. lxxviii.	London & Blackwall Railway.	
c. lxix.	St. Botolph Without, Aldgate (Tithe rate).	
c. lxxviii.	London Street Tramways (Ex- tension).	
c. xciv.	Local Government Board's Pro- visional Order Confirmation (Poor Law) (Kensington)	Rep. Kensington Order in Council 1901 Abandoned. See 63 & 64 Vict. c. xcv.
c. cxii.	Latimer Road & Acton Railway . .	
c. cxxii.	North Metropolitan Tramways.	
c. cxxxv.	London Sea Water Supply.	
c. cxxxviii.	Horse Guards Avenue.	
c. cxliii.	London & St. Katharine and East & West India Docks.	
c. cxliv.	London Tramways Company.	
c. cxlviii.	Kensington Square improvements.	
c. cli.	Hampstead Heath Enlargement (Amendment).	
c. clvi.	Metropolitan Board of Works (Various Powers).	
c. clviii.	London, Tilbury & Southend Railway.	
c. clxv.	Education Department Provisional Order Confirmation (London).	
c. clxxi.	Greenwich & Millwall Subway.	
c. clxxiv.	Raleigh Park (Brixton).	
c. clxxviii.	Vauxhall Park.	
c. clxxxiv.	Metropolitan Outer Circle Railway	Abandoned 58 & 59 Vict. c. vi.
c. clxxxvi.	South-Eastern Metropolitan Tram- ways.	
52 & 53 Vict. (1889)		
c. 17	London Coal Duties Abolition.	
c. 25	National Portrait Gallery.	
c. 61	London Council (Money).	
c. vii.	London Hydraulic Power.	
c. xx.	Metropolitan District Railway.	
c. xxvii.	London, Chatham & Dover Rly.	
c. xlv.	Metropolitan Police Provisional Order Confirmation.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
52 & 53 Vict. (1889) (<i>cont.</i>)		
c. liii.	Metropolitan Railway.	
c. xeviii.	London & North-Western Railway.	
c. cxviii.	Local Government Board's Provisional Order Confirmation (Poor Law)	Rep. Westminster Order in Council 1901.
c. cxxiv.	London Tramways Company.	
c. cxxvi.	Shortlands & Nunhead Railway . .	See 59 & 60 Vict. c. cc.
c. cxxvii.	City of London Police (Superannuation).	
c. cxlvii.	Metropolitan Improvements.	
c. cxlviii.	Southwark & Deptford Tramways.	
c. cxlix.	Corporation of London (Tower Bridge).	
c. clviii.	Lea Bridge, Leyton & Walthamstow Tramways.	
c. clix.	South Eastern Railway.	
c. clxxiii.	Education Department Provisional Order Confirmation (London).	
c. clxxviii.	Electric Lighting Orders Confirmation (No. 2).	
c. clxxix.	Electric Lighting Orders Confirmation (No. 3).	
c. clxxx.	Electric Lighting Orders Confirmation (No. 4).	
c. clxxxi.	Electric Lighting Orders Confirmation (No. 5).	
c. cxevi.	Metropolitan Electric Lighting.	
c. ccii.	West Metropolitan Tramways.	
c. ccix.	Post Office (Sites).	
53 & 54 Vict. (1890)		
c. 15	Open spaces	Rep. 6 Edw. 7, c. 25.
c. 41	London County Council (money).	
c. 54	Metropolis Management Amendment.	
c. 66	Metropolis Management Amendment.	
c. iii.	Columbia Market Railways (Abandonment).	
c. viii.	Royal Naval Schools (New Cross) (Disused Chapel Site).	
c. ix.	South London Polytechnic Institutes (Borough Road Site).	
c. xxiv.	London Tramways Company.	
c. xlvi.	North Metropolitan Tramways.	
c. xlix.	Cadogan and Hans Place Estate.	
c. lxxvii.	Metropolitan Police Provisional Order Confirmation.	
c. cii.	Education Department Provisional Order Confirmation (London).	
c. cxiv.	City & South London Railway.	
c. cxviii.	Metropolitan Railway.	
c. clviii.	Tottenham & Forest Gate Railway (Midland & L.T. & S. Railway).	
c. clxxxii.	Lea Bridge, Leyton & Walthamstow Tramways.	
c. exciv.	Electric Lighting Orders Confirmation (No. 9).	Revoked 1892.
c. cxeviii.	Electric Lighting Orders Confirmation (No. 12).	
c. cc.	Regent's Canal, City & Docks Rly.	See 55 & 56 Vict. c. clxxxviii.
c. ccv.	Westminster (Parliament Street) improvements.	
c. cexviii.	Bexley Heath Railway.	
c. cexxviii.	North West Central Railway.	Abandoned 56 & 57 Vict. c. lxxxviii.

Year, statute and chapter.	Subject matter.	Repeals, etc.
53 & 54 Vict. (1890) (<i>cont.</i>)		
c. cccxxxix.	Electric Lighting Orders Confirmation (No. 15).	
c. cccxliii.	London County Council (General Powers).	
c. cccxlvii.	London Streets (Removal of Gates).	
54 & 55 Vict. (1891)		
c. 62.	London County Council (Money).	
c. 76.	Public Health (London).	
c. xxiv.	Metropolitan Police Provisional Order Confirmation.	
c. liii.	Metropolis (Shelton Street, St. Giles) Provisional Order Confirmation.	
c. lx.	London (Boundary Street, Bethnal Green) Provisional Order Confirmation.	
c. lxxv.	Electric Lighting Orders Confirmation (No. 9)	Revoked 1892.
c. lxxii.	Latimer Road & Acton Railway	Abandoned 63 & 64 Vict. c. xcv.
c. lxxiv.	Thames Deep Water Dock.	
c. lxxvii.	London Overhead Wires.	
c. lxxviii.	London Sky Signs	Rep. 57 & 58 Vict. c. cccxiii.
c. lxxxii.	Metropolitan District Railway.	
c. cxviii.	Southwark & Vauxhall water	See 2 Edw. 7, c. 41.
c. cxxxii.	West Metropolitan Tramways.	
c. cxlii.	Westminster Improvement Commissioners (Winding Up).	
c. cli.	Education Department Provisional Order Confirmation (London).	
c. clxviii.	Harrow Road & Paddington Tramways.	
c. clxxxvii.	Metropolitan Outer Circle Railway.	Abandoned 58 & 59 Vict. c. vi.
c. cxci.	Hanover Chapel (Regent Street).	
c. cxevi.	Central London Railway.	
c. ccv.	Tottenham and Wood Green sewerage.	
c. ccvi.	London County Council (General Powers).	
c. ccix.	London, Deptford & Greenwich Tramways.	
c. ccxii.	Electric Lighting Orders Confirmation (No. 10)	Rep. in part 55 & 56 Vict. c. cccxvii., and revoked 1893.
55 & 56 Vict. (1892)		
c. 1	Millbank Prison.	
c. 34	Greenwich Hospital.	
c. v.	East and West India Dock.	
c. xxx.	Borough Market (Southwark).	
c. xliii.	Railway Rates and Charges (No. 5) (East London Railway, etc.) Order Confirmation.	
c. xlix.	Railway Rates and Charges (No. 5) (Tottenham and Hampstead Railway) Order Confirmation.	
c. li.	Railway Rates and Charges (No. 13) (Metropolitan Railway, etc.) Order Confirmation.	
c. liv.	Railway Rates and Charges (No. 16) (North London Railway) Order Confirmation.	
c. lxxvii.	Corporation of London (Loans).	
c. lxxxii.	Metropolitan Railway.	
c. cxxx.	London Water.	
c. cxxxi.	London & India Docks.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
55 & 56 Vict. (1892) (<i>cont.</i>) c. cxlviii.	Westminster (Parliament Street, etc.) Improvements.	
c. clx.	North Metropolitan Tramways.	
c. clxxxviii.	Regent's Canal, City & Docks Railway (Change of Name).	
c. ccviii.	Metropolitan Police Provisional Order Confirmation.	
c. ccxviii.	Education Department Provisional Order Confirmation (London).	
c. ccxx.	Electric Lighting Orders Confirmation (No. 6) (Hampstead, Lambeth, etc.).	
c. ccxxvii.	Electric Lighting Order Confirmation (No. 5) (Southwark and Wandsworth).	
c. ccxxxvii.	London County Council (Money).	
c. ccxxxviii.	London County Council (General Powers).	
c. ccxli.	Central London Railway.	
c. ccxlii.	Great Northern & City Railway.	
56 & 57 Vict. (1893)		
c. 47	Public Health (London) Act 1891 Amendment.	
c. 55	Metropolis Management (Plumstead and Hackney).	
c. 61	Public Authorities Protection.	
c. 73	Local Government.	
c. i.	Manchester, Sheffield & Lincolnshire Railway (Extension to London)	See 60 & 61 Vict. c. liv.
c. iv.	Baker Street & Waterloo Railway.	
c. ix.	London & Blackwall Railway.	
c. xiv.	St. George the Martyr, Southwark (Rector's rate)	Rep. Southwark Order in Council 1901.
c. xxv.	Kensington, Knightsbridge and Chelsea Electric Lighting.	
c. xxxii.	Post Office (sites).	
c. xl.	Electric Lighting Orders Confirmation (No. 3) (Hackney, Hammer-smith and Poplar).	
c. xli.	Harrow Road & Paddington Tramways.	
c. xlviii.	West Metropolitan Tramways.	
c. lx.	London Hydraulic Power Company.	
c. lxvi.	London streets (Removal of Gates, Bars, etc.).	
c. lxvii.	Paddington Recreation Ground.	
c. lxxi.	London Open Spaces.	
c. lxxx.	Thames Watermen and Lightermen	
c. lxxxv.	City of London electric lighting.	
c. lxxxvii.	London & South-Western Railway.	
c. lxxxviii.	North West Central Railway (Abandonment).	
c. xciii.	Corporation of London (Tower Bridge) (Extension of Time).	
c. cxlii.	Electric Lighting Order Confirmation (No. 6) (Islington).	
c. cxlvi.	Metropolitan Police Provisional Order Confirmation.	
c. clxvii	Latimer Road & Acton Railway ..	Abandoned 63 & 64 Vict. c. xciv.
c. clxx.	Metropolitan Outer Circle Railway	Abandoned 58 & 59 Vict. c. vi.
c. clxxiii.	Poxley Heath Railway.	
c. clxxxvii.	Waterloo & City Railway.	

*Chronological Table of Statutes relating specially
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Year, statute and chapter.	Subject matter.	Repeals, etc.
56 & 57 Vict. (1893) (cont.)		
c. exci.	Education Department Provisional Order Confirmation (London).	
c. excii.	Education Department Provisional Order Confirmation (No. 2).	
c. excvii.	Metropolitan District Railway.	
c. ccii.	London County Council (Subways).	
c. cciv.	West Ham Corporation.	
c. ccvii.	City & South London Railway.	
c. cexi.	London County Council (Money).	
c. cexii.	London, Deptford & Greenwich Tramways.	
c. cexiv.	Charing Cross, Euston & Hampstead Railway.	
c. cexxi.	London County Council (General Powers).	
c. cexxvii.	Canal Tolls and Charges (Grand Junction Canal) Order Confirmation.	
57 & 58 Vict. (1894)		
c. 34	British Museum (Purchase of Land).	
c. 53	London (Equalisation of Rates).	
c. vii.	City of London Police (superannuation).	
c. xlii.	Metropolitan Police Provisional Order Confirmation.	
c. lvii.	Central London Railway.	
c. lxvii.	Surrey Commercial Dock.	
c. lxxiii.	Harrow Road and Paddington Tramways.	
c. lxxxi.	Tottenham & Forest Gate Railway (Mid. & L.T. & S. joint line).	
c. lxxxvi.	Charing Cross, Euston & Hampstead Railway.	
c. cxxiv.	Local Government Board's Provisional Order Confirmation (No. 12) (London, etc.).	
c. cxxviii.	Local Government Board's Provisional Order Confirmation (Poor Law).	
c. cxxxii.	London Tramways Company.	
c. clxii.	East London Waterworks ..	See 2 Edw. 7, c. 41.
c. clxiii.	London County Council (Money).	
c. clxiv.	Southwark and Vauxhall Water ..) See 2 Edw. 7, c. 41.
c. clxv.	West Middlesex Waterworks ..	
c. clxxxv.	London County Council (Improvements).	
c. clxxxvii.	Thames Conservancy.	
c. exciv.	Education Department Provisional Order Confirmation (London).	
c. excix.	Canal Tolls and Charges (No. 5) (Regent's Canal) Order Confirmation.	
c. cciii.	Canal Rates, Tolls and Charges (No. 11) (Grand Canal) Order Confirmation.	
c. cexii.	London County Council (General Powers).	
c. cexiii.	London Streets and Buildings.	
c. ccxv.	Ealing & South Harrow Railway.	
c. ccxvi.	London, Walthamstow & Epping Forest Railway	Abandoned 63 & 64 Vict. c. cclii.
58 & 59 Vict. (1895)		
c. 12	Metropolitan Police (Receiver).	

Year, statute and chapter.	Subject matter.	Repeals, etc.
58 & 59 Vict. (1895) (cont.)		
c. v.	London (Boundary Street, Bethnal Green) Provisional Order Confirmation.	
c. vi.	Metropolitan Outer Circle Railway (Abandonment).	
c. xix.	City & South London Railway.	
c. xxxii.	London Street Tramways.	
c. lxxv.	Metropolitan Police Provisional Order Confirmation.	
c. xciii.	Local Government Board's Provisional Order Confirmation (Housing of the Working Classes) (Limehouse).	
c. xciv.	Local Government Board's Provisional Order Confirmation (Poor Law) (St. George-in-the-East).	
c. c.	Tramways Orders Confirmation (No. 1) (London United Tramways).	
c. cxii.	Great Northern & City Railway.	
c. cxxvii.	London County Council (General Powers).	
c. cxxix.	London County Council (Vauxhall Bridge).	
c. cxxx.	London County Council (Tower Bridge southern approach).	
c. cxl.	London County Council (Money).	
c. cl.	Latimer Road & Acton Railway ..	Abandoned 63 & 64 Vict. c. xciv.
c. clii.	London, Walthamstow & Epping Forest Railway	Abandoned 63 & 64 Vict. c. cclii.
Sess. 2		
c. 5	Public offices (Acquisition of Site).	
c. iii.	Education Department Provisional Order Confirmation (London).	
59 & 60 Vict. (1896)		
c. 23	Public Offices (Westminster) site.	
c. 27	London Cab.	
c. 55	Quarter Sessions (London).	
c. i.	Metropolitan District Railway.	
c. iii.	Electric Lighting Orders Confirmation (Notting Hill).	
c. ix.	Millwall Dock.	
c. xxviii.	Local Government Board's Provisional Order Confirmation (Poor Law) (St. Matthew, Bethnal Green).	
c. xxxvi.	Metropolitan Market.	
c. li.	London County Tramways.	
c. liv.	Lambeth Waterworks	} See 2 Edw. 7, c. 41.
c. lxxiii.	Chelsea Waterworks	
c. lxxvi.	Local Government Board's Provisional Order Confirmation (poor law) (No. 2) (Whitechapel).	
c. lxxxi.	Metropolitan Police Provisional Order Confirmation.	
c. cxix.	Electric Lighting Orders Confirmation (No. 5) (Battersea, Camberwell and St. Saviour's).	
c. clvii.	Metropolitan District Railway.	
c. clviii.	London Sea Water Supply.	
c. clxxiii.	Education Department Provisional Order Confirmation (London).	
c. clxxx.	Kensington (James Street area) improvements.	

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Year, statute and chapter.	Subject matter.	Repeals, etc.
59 & 60 Vict. (1896) (<i>cont.</i>)		
e. clxxxiv.	North Metropolitan Railway and Canal.	
e. clxxxviii.	London County Council (General Powers).	
e. clxxxix.	London Tramways Company.	
e. c2.	Shortlands & Nunhead Railway (Transfer to L.C. & D. Railway).	
e. ccviii.	Strand improvement.	
e. cexi.	London County Council (Vauxhall Bridge Tramway).	
e. cexiv.	London County Council (Money).	
e. cexxv.	Metropolitan Railway.	
e. cexxvi.	South Metropolitan Gas.	
e. cexxvii.	Baker Street & Waterloo Railway.	
e. cexxix.	New River Company	See 2 Edw. 7, c. 41.
e. cexli.	Staines Reservoirs.	
e. cexlvii.	Willesden Sewerage.	
e. celii.	City & South London Railway.	
60 & 61 Vict. (1897)		
e. 14	Metropolitan Police Courts.	
e. 25	Patent Office (Extension).	
e. 26	Metropolitan Police Courts.	
e. 27	Public offices (Whitehall) Site.	
e. 29	Poor Law.	
e. 42	Metropolitan Police (Borrowing Powers).	
e. 45	Archdeaconry of London (Additional endowment).	
e. 56	Metropolis Water.	
e. i.	London (Borough Road, Southwark) Provisional Order Confirmation.	
e. ii.	London (Churchway, St. Pancras) Provisional Order Confirmation.	
e. iii.	Metropolitan Police Provisional Order Confirmation.	
e. v.	South Metropolitan Gas.	
e. xxxix.	Charing Cross, Euston & Hampstead Railway.	
e. liv.	Manchester, Sheffield & Lincolnshire Railway (Change of Name).	
e. lix.	London (Claro Market, Strand) Provisional Order Confirmation.	
e. lxxvii.	Local Government Board's Provisional Order Confirmation (Poor Law)	Rep. Southwark and Westminster Orders in Council 1901.
e. xevii.	Tower Subway.	
e. cxxxiii.	City of London Sewers.	
e. cxlvii.	Education Department Provisional Order Confirmation (London).	
e. clxii.	Electric Lighting Orders Confirmation (No. 9).	
e. clxiv.	Electric Lighting Orders Confirmation (No. 11).	
e. clxv.	London (Green Street, Southwark) Provisional Order Confirmation.	
e. clxvi.	Post Office (sites) (London, etc.).	
e. cxc.	North London Railway.	
e. cxcii.	Brompton & Piccadilly Circus Rly.	See 2 Edw. 7, c. celix.
e. cxciii.	Great Northern & City Railway.	
e. cxcviii.	East London Waterworks ..	See 2 Edw. 7, c. 41.
e. cexx.	London County Council (Money).	
e. cxxxii.	New River Company	See 2 Edw. 7, c. 41.

Year, statute and chapter.	Subject matter.	Repeals, etc.
60 & 61 Vict. 1897) (<i>cont.</i>)		
c. cccxiv.	Thames Tunnel (Greenwich to Millwall).	
c. cccxxxix.	North Metropolitan Tramways.	
c. cccxlii.	London County Council (improvements).	
c. cccxliv.	Southwark and Vauxhall Water ..	See 2 Edw. 7, c. 41.
c. cccxlvii.	Metropolitan District Railway.	
c. ccl.	Highgate Woods Preservation.	
c. ccli.	Watford, Edgware & London Railway.	
c. cclii.	London County Council (General Powers).	
c. cclvi.	Harrow & Uxbridge Railway ..	See 62 & 63 Vict. c. cclxvii.
c. cclvii.	Whitechapel & Bow Railway.	
61 & 62 Vict. (1898)		
c. 5	Public buildings (Expenses).	
c. 12	Public Record Office.	
c. 16	Canals protection (London).	
c. 24	Greenwich Hospital.	
c. 31	Metropolitan Police Courts.	
c. 45	Metropolitan Poor.	
c. 62	University of London.	
c. vi.	Guy's Hospital.	
c. xi.	City & South London Railway.	
c. xiii.	St. Matthew, Bethnal Green (Church Rate Abolition).	
c. li.	Foreign Cattle Market, Deptford.	
c. lx.	City & Brixton Railway	See 3 Edw. 7, c. clxxiii.
c. lxii.	London, Walthamstow & Epping Forest Railway	Abandoned 63 & 64 Vict. c. cclii.
c. lxxvi.	Metropolitan Police Provisional Order Confirmation.	
c. c.	Local Government Board's Provisional Order Confirmation (Poor Law)	Rep. Lambeth Order in Council 1901.
c. civ.	Staines Reservoirs	See 2 Edw. 7, c. 41.
c. cxiii.	Charing Cross, Euston & Hampstead Railway.	
c. cxv.	Southwark and Vauxhall Water ..	See 2 Edw. 7, c. 41.
c. cxvi.	St. Thomas and St. Saviour, Southwark.	
c. cxxxvii.	London Building Act (1894) Amendment.	
c. cxliii.	London County Council (Acton Sewage).	
c. clxxii.	Gas Light & Coke Company (Capital Consolidation).	
c. clxxvi.	London, Tilbury & Southend Rly. Metropolitan Railway.	
c. clxxvii.	St. Marylebone (Church Rate Abolition).	
c. cxi.	Electric Lighting Orders Confirmation (No. 13) (Holborn and St. Giles).	
c. cc.	Education Department Provisional Order Confirmation (London).	
c. ccxv.	India Office (Store Depot).	
c. ccxxi.	London County Council (General Powers).	
c. ccxxii.	London County Council (Money).	
c. cccxxxiii.	Chelsea Electricity Supply.	
c. cccxxv.	Metropolitan Electric Supply Co.	
c. cclvi.	London United Tramways.	
c. cclxi.	Whitechapel & Bow Railway.	

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Year, statute and chapter.	Subject matter.	Repeals, etc.
62 & 63 Vict. (1899)		
c. 7.	Metropolis Water.	
c. 14	London Government.	
c. 15	Metropolis Management Acts Amendment (Byelaws).	
c. 24	University of London.	
c. 26	Metropolitan Police.	
c. xviii.	Surrey Commercial Dock.	
c. xxvii.	Metropolitan Police Provisional Order Confirmation.	
c. 1.	London Hospital.	
c. lxvi.	Grosvenor Chapel.	
c. lxvii.	Church of Emmanuel, West End, Hampstead.	
c. lxxxiii.	Kensington & Notting Hill Elec- tric Lighting Company.	
c. lxxxviii.	Central Electric Supply Company.	
c. xci.	West Middlesex Waterworks ..	See 2 Edw. 7, c. 41.
c. xciv.	St. James & Pall Mall Electric Light Company.	
c. xevi.	Great Central Railway.	
c. cxvi.	Local Government Board's Pro- visional Order Confirmation (Poor Law) (St. Mary, Newington, and Greenwich)	Rep. in part Southwark Order in Council 1901.
c. cxviii.	Electric Lighting Order Confirma- tion (No. 3) (Bermondsey).	
c. cxl.	Electric Lighting Orders Confir- mation (No. 15) (Bethnal Green, Greenwich and Lowisham).	
c. clxiii.	Millwall Dock.	
c. clxviii.	South-Eastern & London, Chatham & Dover Rlys. (Working Union).	
c. clxxxv.	Central London Railway.	
c. cxcii.	Baker Street & Waterloo Railway.	
c. cxciv.	London United Tramways.	
c. cciii.	Great Northern & Strand Railway.	See 2 Edw. 7, c. ccxxxv.
c. ccxxxvii.	London County Council (General Powers).	
c. ccxxxviii.	London County Council (Money).	
c. ccxlvii.	City & Brixton Railway	See 3 Edw. 7, c. clxxiii.
c. ccclix.	London, Walthamstow & Epping Forest Railway	Abandoned 63 & 64 Vict. c. cclii.
c. ccl.	West Metropolitan Railway ..	Abandoned 4 Edw. 7, c. xxi.
c. ccxi.	North West London Railway.	
c. ccxii.	Brompton & Piccadilly Circus Rly.	See 2 Edw. 7, c. ccclix.
c. ccxiv.	Charing Cross, Euston & Hamp- stead Railway.	
c. cclxvi.	London County Council (Improve- ments).	
c. cclxvii.	Harrow & Uxbridge Railway.	
c. cclxxv.	Electric Lighting Order Confirma- tion (No. 20) (City of London).	
c. cclxxvi.	Education Department Provisional Order Confirmation (London).	
63 & 64 Vict. (1900)		
c. 19	Land Registry (New Buildings).	
c. 29	London County Council (Electors' Qualifications).	
c. v.	City & South London Railway.	
c. x.	Charing Cross, Euston & Hamp- stead Railway.	
c. xxi.	Metropolitan Police Provisional Order Confirmation.	
c. xxxvii.	Central London Railway.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
63 & 64 Vict. (1900) (<i>cont.</i>)		
c. xlv.	Great Central Railway.	
c. lxxxviii.	City of London Electric Lighting.	
c. xcv.	Latimer Road & Acton Railway (Abandonment).	
c. cx.	Great Eastern Railway.	
c. cxi.	London and India Docks Amalgamation.	
c. cxviii.	Regent's Canal and Dock.	
c. cxxvii.	Whitechapel & Bow Railway.	
c. cxli.	Lambeth Waterworks	See 2 Edw. 7, c. 41.
c. cxlvi.	London Sea Water Supply.	
c. cxlvii.	South Eastern Metropolitan Tramways.	
c. clxii.	South Metropolitan Gas.	
c. clxxxiv.	Local Government Board's Provisional Order Confirmation (Poor Law) (St. Mary Magdalene, Bermondsey)	Rep. Bermondsey Order in Council 1901.
c. clxxxvi.	London (Clerkenwell and Holborn) Provisional Order Confirmation.	
c. clxxxvii.	London (Poplar) Provisional Order Confirmation.	
c. clxxxviii.	London (St. Luke) Provisional Order Confirmation.	
c. clxxxix.	London (Southwark) Provisional Order Confirmation.	
c. cxevii.	Education Board Provisional Order Confirmation (London).	
c. ccii.	London (St. Marylebone) Provisional Order Confirmation.	
c. ccvi.	Post Office (sites) (London, etc.).	
c. ccvii.	Electric Lighting Orders Confirmation (No. 10) (Battersea and Stepney).	
c. ccxii.	East London Waterworks . .	See 2 Edw. 7, c. 41.
c. ccxvi.	London County Council (Money).	
c. ccxix.	Thames Tunnel (Rotherhithe and Ratcliff).	
c. ccxxv.	Baker Street & Waterloo Railway.	
c. ccxxvii.	Charing Cross & Strand Electricity Supply Corporation.	
c. ccxxviii.	City of London (Various Powers).	
c. ccxxviii.	London County Tramways (Electrical Power).	
c. ccxlv.	Wandsworth & Putney Gas.	
c. cclii.	London, Walthamstow & Epping Forest Railway (Abandonment).	
c. ccvi.	South-Eastern and London, Chatham & Dover Railways.	
c. cclxviii.	London County Council (General Powers).	
c. cclxix.	London County Council (Improvements).	
c. cclxx.	London County Tramways.	
c. cclxxi.	London United Tramways.	
c. cclxxii.	Metropolis Gas (Prepayment Meter).	
c. cclxxiii.	Metropolitan District Railway.	
c. cclxxvi.	North Metropolitan Electric Power Supply.	
1 Edw. 7 (1901)		
c. 16	National Gallery (Purchase of Adjacent Land).	
c. xv.	London Bridge Widening.	
c. xvii.	Thames Deep Water Dock.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
1 Edw. 7 (1901) (<i>cont.</i>)		
c. xviii.	School for Orphans of Freemen of the City of London.	
c. xliv.	Local Government Board's Pro- visional Order Confirmation (Poor Law) (St. Giles, Camberwell).	
c. lxvi.	City & South London Railway.	
c. lxxi.	London Riverside Fish Market (Transfer to Corporation of London).	
c. lxxviii.	Notting Hill Electric Lighting.	
c. lxxxvii.	London County Council (Money).	
c. xc.	Great Eastern Railway.	
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c. ccxxviii.	Metropolitan Electric Supply.	
c. ccxxxiv.	Bethlem Hospital.	
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c. cxxxix.	Imperial Institute (Transfer).	
c. cxlv.	Central London Railway.	
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c. clxx.	North Metropolitan Tramways.	
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c. xvii.	London Hydraulic Power.	
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Year, statute and chapter.	Subject matter.	Repeals, etc.
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c. clvi.	Post Office (Sites) (London, etc.).	
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c. clxii.	Baker Street & Waterloo Railway.	
c. clxv.	Blackheath & Greenwich District Electric Light Company.	
c. clxxiii.	City & South London Railway.	
c. clxxvii.	Woolwich Borough Council.	
c. clxxxvi.	Great Northern, Piccadilly & Brompton Railway.	
c. clxxxvii.	London County Council (General Powers).	
c. clxxxix.	Watford & Edgware Railway.	
c. cxc.	Harrow Road & Paddington Tramways.	
c. cxc.	London United Tramways.	
c. cxcvi.	Baker Street & Waterloo Railway.	
c. cxcviii.	London County Council (Money).	
c. cxcix.	London County Council (Tramways and Improvements).	
c. cxxxx.	Patent Office (Extension).	
c. ccli.	Great Central Railway.	
c. cclxiii.	North Metropolitan Electric Power Supply.	
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c. 2	Metropolitan Improvements (funds).	
c. 13	London Electric Lighting Areas.	
c. viii.	Great Northern & City Railway.	
c. xx.	Metropolitan Railway.	
c. xxi.	West Metropolitan Railway (abandonment).	
c. xli.	St. Marylebone Electric Lighting.	
c. xlvi.	Marylebone Chapels (St. James, Westmoreland Street).	
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c. xci.	South Suburban Gas.	
c. xciii.	City of London (Central Criminal Court House).	
c. xevii.	London County Council (Money).	
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c. cxii.	Education Board Provisional Order Confirmation (London).	

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Year, statute and chapter.	Subject matter.	Repeals, etc.
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c. cliv.	Metropolitan District Railway.	
c. clviii.	Post Office (sites) (London, etc.).	
c. cxviii.	London United Tramways.	
c. ccii.	Surrey Commercial Dock.	
c. cciii.	Thames River Steamboat Service.	
c. ccix.	King's College Hospital.	
c. ccxviii.	London & India Docks.	
c. ccxxxi.	London County Council (Tramways and Improvements).	
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5 Edw. 7 (1905)		
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c. xvi.	Chelsea Electricity Supply Company.	
c. xviii.	South Suburban Gas.	
c. xxi.	Metropolitan District Railway.	
c. xxxviii.	South Metropolitan Gas.	
c. l.	London United Tramways.	
c. lii.	Metropolitan Railway.	
c. lxxviii.	Local Government Board's Provisional Confirmation (Poor Law) (Hammersmith and Poplar).	
c. lxxxi.	Electric Lighting Order Confirmation (No. 3) (Woolwich).	
c. xci.	University College, London (Transfer).	
c. xcvi.	Stepney Borough Council (Superannuation).	
c. ciii.	Education Board Provisional Order Confirmation (London No. 1).	
c. civ.	Education Board Provisional Order Confirmation (London No. 2).	
c. cxxxvi.	Metropolitan & Great Central Railway Companies.	
c. cxli.	Whitechapel & Bow Railway.	
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c. cxlvi.	Metropolitan Electric Supply Company (Acton district).	
c. clv.	London Gas.	
c. clxi.	Woolwich Borough Council.	
c. clxiii.	Great Northern, Piccadilly & Brompton Railway.	
c. clxiv.	Metropolitan Electric Tramways.	
c. clxvii.	Charing Cross, Euston & Hampstead Railway.	
c. clxviii.	Baker Street & Waterloo Railway.	
c. clxix.	Edgware & Hampstead Railway.	
c. clxxiv.	County of London Electric Supply Company.	
c. clxxvi.	North Metropolitan Electric Power Supply.	
c. clxxxv.	Central Electric Supply Company.	
c. clxxxviii.	London Government Scheme (London and Middlesex Adjustment) Confirmation.	
c. clxxxix.	London Government Scheme (Hackney and Edinonton Unions Adjustment) Confirmation.	

Year, statute and chapter.	Subject matter.	Repeals, etc.
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c. cc.	Metropolitan Electric Supply Com- pany.	
c. cciii.	Acton Sewage.	
c. cevi.	London County Council (General Powers).	
c. ccviii.	North East London Railway.	
c. ccix.	London Building Acts (Amend- ment).	
6 Edw. 7 (1906)		
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c. 25	Open Spaces.	
c. 45	Removal of Offensive Matter.	
c. vi.	Bethnal Green Borough Council (Superannuation).	
c. vii.	Millwall Dock.	
c. xi.	North Metropolitan Tramways (winding up).	
c. xxiii.	Metropolitan Police Provisional Order Confirmation.	
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c. lxxi.	Metropolitan Railway.	
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c. lxxxvii.	Metropolitan Water Board.	
c. lxxxviii.	North East London Railway.	
c. exviii.	Post Office (Sites).	
c. exxiv.	Local Government Board's Pro- visional Order Confirmation (St. Pancras).	
c. exxv.	London Government Act Adjust- ment Scheme Confirmation.	
c. exxvi.	Education Board Provision Or- der Confirmation (London No. 1).	
c. cl.	London County Council (General Powers).	
c. cli.	London United Tramways.	
c. elix.	Baker Street & Waterloo Railway.	
c. elxxv.	St. John's (Westminster) Improve- ment.	
c. elxxx.	Corporation of London (Black- friars and other bridges).	
c. elxxxi.	London County Council (Tramways and Improvements).	
c. elxxxvii.	London Squares and Enclosures (Preservation).	
c. exci.	Hackney Electricity.	
c. excii.	Hampstead Garden Suburb.	
c. exciii.	London County Council (Money).	
c. exciv.	North West London Railway.	
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c. cciv.	Metropolitan Electric Supply Co.	
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c. x.	North-East London Railway.	
c. xvii.	Mitcham & Wimbledon District Gas.	
c. xxxii.	South-Eastern and London, Chat- ham & Dover Railways.	
c. xlvi.	London Government Scheme (Southwark Borough Market).	
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c. lx.	Education Board Provisional Order Confirmation (London No. 2).	

Year, statute and chapter.	Subject matter.	Repeals, etc.
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c. lxxvii.	London & North-Western Railway.	
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c. xcvi.	North Metropolitan Electric Supply	
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c. cxvii.	Tramways Orders Confirmation.	
c. cxxxii.	Post Office Sites.	
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LONDON STATUTES

(BEING A COLLECTION OF PUBLIC ACTS RELATING SPECIALLY TO THE ADMINISTRATIVE COUNTY OF LONDON, AND OF LOCAL AND PERSONAL ACTS AFFECTING THE POWERS AND DUTIES OF THE LONDON COUNTY COUNCIL)

FROM 1750 TO 1907

25 GEORGE II. A.D. 1751.

CHAPTER 36.

AN ACT FOR THE BETTER PREVENTING THEFTS AND ROBBERIES, AND FOR REGULATING PLACES OF PUBLIC ENTERTAINMENT, AND PUNISHING PERSONS KEEPING DISORDERLY HOUSES.

[*Preamble.*]

1. [*Persons advertising reward with no questions asked for return of things stolen, etc., and the printer of such advertisement, to forfeit 50*l.* Rep. 30 & 31 Vict. c. 59 (S.L.R.). See the Larceny Act 1861, s. 102.*]

2. And whereas the multitude of places of entertainment for the lower sort of people is another great cause of thefts and robberies as they are thereby tempted to spend their small substance in riotous pleasures, and in consequence are put on unlawful methods of supplying their wants and renewing their pleasures: In order, therefore, to prevent the said temptation to thefts and robberies, and to correct as far as may be the habit of idleness which is become too general over the whole kingdom, and is productive of much mischief and inconvenience: Be it enacted by the authority aforesaid, That from and after the first day of December one thousand seven hundred and fifty-two any house, room, garden, or other place kept for public dancing, music, or other public entertainment of the like kind, in the cities of London and Westminster, or within twenty miles thereof, without a licence had for that purpose from the last preceding Michaelmas Quarter Sessions of the Peace to be holden for the county, city, riding, liberty, or division in which such house, room, garden, or other place, is situate, (who are hereby authorized and empowered to grant such licences as they in their discretion shall think proper), signified under the hands and seals of four or more of the Justices there assembled, shall be deemed a disorderly house or place; and every such licence shall be signed and sealed by the said Justices in open Court, and afterwards be publicly read by the Clerk of the Peace, together with the names of the Justices subscribing the same; and no such licence shall be granted at any adjourned Sessions, nor shall any fee or reward be taken for any such licence; and it shall and may be lawful to and for any constable or other person, being thereunto authorized by warrant under the hand and seal of one or more of His Majesty's

Unlicensed places of public entertainment deemed disorderly houses.

Constables may enter and seize all persons found therein.

Person
keeping the
same to
forfeit 100*l*.

Justices of the Peace of the county, city, riding, division, or liberty where such house or place shall be situate, to enter such house or place, and to seize every person who shall be found therein, in order that they may be dealt with according to law; and every person keeping such house, room, garden, or other place, without such licence as aforesaid, shall forfeit the sum of one hundred pounds to such person as will sue for the same, and be otherwise punishable as the law directs in cases of disorderly houses. [*Rep. as regards Middlesex by the Music and Dancing Licences (Middlesex) Act, s. 2.*]

Licensed
places to have
an inscription
over them;

3. Provided always, and it is hereby further enacted by the authority aforesaid, That, in order to give public notice what places are licensed pursuant to this Act, there shall be affixed and kept up in some notorious place over the door or entrance of every such house, room, garden, or other place kept for any of the said purposes, and so licensed as aforesaid, an inscription in large capital letters in the words following: *viz*, LICENSED PURSUANT TO ACT OF PARLIAMENT OF THE TWENTY-FIFTH OF KING GEORGE THE SECOND; and that no such house, room, garden, or other place, kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of five in the afternoon; and that the affixing and keeping up of such inscription as aforesaid, and the said limitation or restriction in point of time, shall be inserted and made conditions of every such licence; and in case of any breach of either of the said conditions such licence shall be forfeited, and shall be revoked by the Justices of Peace in their next General or Quarter Sessions, and shall not be renewed, nor shall any new licence be granted to the same person or persons, or any other person on his or their or any of their behalf, or for their use or benefit, directly or indirectly, for keeping any such house, room, garden, or other place for any of the purposes aforesaid. [*Amended 38 & 39 Vict. c. 21, s. 1. Rep. as regards Middlesex by the Music and Dancing Licences (Middlesex) Act 1894, s. 2.*]

and not be
open before
five in the
evening.

On breach of
either of the
said con-
ditions the
licence to be
revoked.

The theatres
and other
places li-
censed by the
Crown or
Lord Cham-
berlain ex-
cepted out of
this Act.

4. Provided always, That nothing in this Act contained shall extend or be construed to extend to the Theatres Royal in Drury Lane and Covent Garden, or the theatre commonly called the King's Theatre, in the Haymarket, or any of them, nor to such performances and public entertainments as are or shall be lawfully exercised and carried on under or by virtue of letters patents, or licence of the Crown, or the licence of the Lord Chamberlain of His Majesty's Household, anything herein contained notwithstanding.

5—8. [*As to keeping bawdy, gaming, or other disorderly houses. Not special to London.*]

9. [*Evidence may be given for or against the defendant by an inhabitant. Rep. 30 & 31 Vict. c. 59 (S.L.R.).*]

Indictment
not removable
by certiorari
into any other
Court.

10. And . . . no indictment which shall at any time after the said first day of June be preferred against any person for keeping a bawdy house, gaming house, or other disorderly house, shall be removed by any writ of certiorari into any other Court, but such indictment shall be heard, tried, and finally determined at the same General or Quarter Session or Assizes where such indictment shall have been preferred (unless the Court shall think proper, upon cause shown, to adjourn the same), any such writ or allowance thereof notwithstanding. [*Part omitted rep. 51 Vict. c. 3 (S.L.R.).*]

11—12. [*Prosecutor's expenses—Rogues and vagabonds. Rep. 30 & 31 Vict. c. 59 (S.L.R.).*]

13. And . . . any person entitled to any of the forfeitures by this Act imposed may sue for the same by action of debt in any of His Majesty's Courts of Record at Westminster, in which it shall be sufficient to declare that the defendant is indebted to the plaintiff in the sum of . . . being forfeited by an Act, intituled "An Act for the better preventing thefts and robberies, and for regulating places of public entertainment, and punishing persons keeping disorderly houses"; and the plaintiff, if he recover in any such action, shall have his full costs.

Recovery of forfeitures.

Full costs.

14. Provided, That no action shall be brought by virtue of this Act unless the same shall be commenced within the space of six calendar months after the offence committed.

Limitation of actions.

15. [*Act to be in force three years. Rep. 30 & 31 Vict. c. 59 (S.L.R.).*]

14 GEORGE III. A.D. 1774.

CHAPTER 78.

AN ACT . . . FOR THE MORE EFFECTUALLY PREVENTING MISCHIEFS BY FIRE WITHIN THE CITIES OF LONDON AND WESTMINSTER AND THE LIBERTIES THEREOF, AND OTHER THE PARISHES, PRECINCTS, AND PLACES WITHIN THE WEEKLY BILLS OF MORTALITY, THE PARISHES OF SAINT MARY-LE-BON, PADDINGTON, SAINT PANCRAS AND SAINT LUKE AT CHELSEA, IN THE COUNTY OF MIDDLESEX. . . .

[*Whole Act, except ss. 83, 86, rep. 28 & 29 Vict. c. 90, s. 34.*]

83. And in order to deter and hinder ill-minded persons from wilfully setting their house or houses or other buildings on fire with a view of gaining to themselves the insurance money, whereby the lives and fortunes of many families may be lost or endangered: Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the respective governors or directors of the several insurance offices for insuring houses or other buildings against loss by fire, and they are hereby authorized and required, upon the request of any person or persons interested in or entitled unto any house or houses or other buildings which may hereafter be burnt down, demolished or damaged by fire, or upon any grounds of suspicion that the owner or owners, occupier or occupiers, or other person or persons who shall have insured such house or houses or other buildings have been guilty of fraud, or of wilfully setting their house or houses or other buildings on fire, to cause the insurance money to be laid out and expended, as far as the same will go, towards rebuilding, reinstating or repairing such house or houses or other buildings so burnt down, demolished or damaged by fire, unless the party or parties claiming such insurance money shall, within sixty days next after his, her or their claim is adjusted, give a sufficient security to the governors or directors of the insurance office where such house or houses or other buildings are insured, that the same insurance money shall be laid out and expended as aforesaid, or unless the said insurance money shall be in that time settled and disposed of to and amongst all the

Money insured on houses burnt: how to be applied.

contending parties, to the satisfaction and approbation of such governors or directors of such insurance office respectively.

No action to lie against the person where the fire accidentally begins.

86. And . . . no action, suit or process whatever shall be had, maintained or prosecuted against any person in whose house, chamber, stable, barn or other building, or on whose estate any fire shall, after the said twenty-fourth day of June,* accidentally begin, nor shall any recompense be made by such person for any damage suffered thereby, any law, usage or custom to the contrary notwithstanding; and in such case, if any action be brought, the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial thereupon to be had . . . : Provided that no contract or agreement made between landlord and tenant shall be hereby defeated or made void. [*Parts omitted (as to treble costs) rep. by the Limitations of Actions and Costs Act 1842, ss. 1, 3; 24 & 25 Vict. c.101 (S.L.R.); and 51 Vict. c. 3 (S.L.R.).*]

36 GEORGE III. A.D. 1796.

CHAPTER 88.

AN ACT TO REGULATE THE BUYING AND SELLING OF HAY AND STRAW; AND FOR REPEALING SO MUCH OF TWO ACTS, MADE IN THE SECOND YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY, AND IN THE THIRTY-FIRST YEAR OF THE REIGN OF KING GEORGE THE SECOND, AS RELATE TO THE BUYING AND SELLING OF HAY AND STRAW, WITHIN THE LIMITS THEREIN MENTIONED. [14th May 1796.]

[*Preamble.*]

So much of 2 Will. and Mary, sess. 2, cap. 8,

and of 31 Geo. II. cap. 40, as relates to hay and straw, repealed from 24th June 1796.

1. So much of an Act, made in the second year of the reign of King William and Queen Mary, intituled, An Act for paving and cleansing the streets in the cities of London and Westminster, and suburbs and liberties thereof, and out parishes in the county of Middlesex, and in the borough of Southwark, and other places within the weekly bills of mortality, in the county of Surrey, and for regulating the markets therein mentioned; and also so much of an Act, made in the thirty-first year of the reign of King George the Second, intituled, An Act to ascertain the weight of trusses of straw, and to punish deceit in the sale of hay and straw in trusses, in London, and within the weekly bills of mortality, and within the distance of thirty miles thereof; and to prevent common salesmen of hay and straw from buying the same on their own account, to sell again; and also to restrain salesmen, brokers, or factors in cattle, from buying on their own account, to sell again, any live cattle in London, or within the weekly bills of mortality, or which are driving up thereto, as relates to hay and straw, shall, from and after the twenty-fourth day of June one thousand seven hundred and ninety-six, be, and the same are hereby repealed.

No hay or straw to be sold within certain limits, except in trusses, on penalty of 20s.

2. And . . . That no hay or straw whatever shall be sold in any market or place within the cities of London or Westminster, or the weekly bills of mortality, or within thirty miles thereof, other than what is made up in bundles or trusses; and if any person shall sell any hay or straw, other than what is made up in bundles or trusses, within the cities or limits aforesaid, every person so offending, and

* *L.e.* 24th June 1774.

being convicted thereof, shall for every such offence forfeit and pay the sum of twenty shillings.

3. And . . . That each and every bundle or truss of hay sold in any market or place within the cities or limits aforesaid, between the last day of August in any year and the first day of June in the succeeding year, shall contain and be of the full weight of fifty-six pounds at least; and that every bundle or truss of hay sold within the cities or limits aforesaid, between the first day of June and the last day of August in any year, being new hay, of the summer's growth of that year, shall be and contain the full weight of sixty pounds, and being old hay of any former year's growth, the weight of fifty-six pounds, as aforesaid; and that each and every bundle or truss of straw sold within the cities or limits aforesaid, shall contain and be of the full weight of thirty-six pounds; and that every load of hay or straw shall contain thirty-six bundles or trusses; and if any hay shall be sold within the cities or limits aforesaid, whereof any bundle or truss shall be of less weight than aforesaid, every person so selling shall forfeit for every such truss or bundle of hay, not being the full weight aforesaid, any sum not exceeding the sum of five shillings, nor less than two shillings and sixpence, and for every such truss or bundle of straw the sum of one shilling: Provided always, that no person shall be convicted in the penalty aforesaid, for selling any bundle or truss of hay or straw deficient in weight as aforesaid, where a load or any other or less quantity is sold at the same time to the same person, if the number of bundles or trusses so sold shall amount upon the whole to the average weight required as aforesaid.

Weight of trusses.

Penalty for selling trusses short of weight.

but not to extend to a deficient truss of a quantity sold to the same person, if the whole amount to the average weight.

4. And . . . That every person who shall sell, within the cities or limits aforesaid, between the first day of June and the last day of December in any year, any hay of the growth of that year as or for hay of the growth of any former year, shall forfeit and pay for each and every bundle or truss of hay so sold, the sum of two shillings and sixpence.

Penalty for selling new for old hay.

5. And . . . That each and every load, bundle, or truss of hay or straw, which shall be sold in the cities or limits aforesaid, shall be made up with such hay or straw only as the same appears to be by the outside of every such load, bundle, or truss; and that such hay or straw only, and not any inferior hay or straw, shall be deemed and taken to be the hay or straw which is to make up the weight of every bundle or truss; and every person who shall sell within the cities or limits aforesaid any load, bundle, or truss of hay or straw, which shall in the inside thereof be of inferior goodness from what the outside shall appear to be, shall forfeit and pay any sum not exceeding five shillings, nor less than two shillings and sixpence, for every such bundle or truss of hay, and the sum of one shilling for every such bundle or truss of straw.

Hay or straw to be of one quality.

Penalty for selling it mixed.

6. And . . . That the pair of bands with which any bundle or truss of hay shall be bound shall not exceed the weight of five pounds, upon pain that every person who shall sell any bundle or truss of hay with bands of a greater weight, shall for every such offence forfeit and pay the sum of one shilling, and also the further sum of one shilling for each and every pound weight that every such pair of bands shall weigh over and above the weight of five pounds.

Penalty for selling hay with bands exceeding 5lb. weight.

7. And . . . That if any person employed to bind hay or straw, shall not bind up and make the same into bundles or trusses of

Penalty on persons

binding hay
or straw in
light trusses.

such weight as is directed by this Act, every person so offending shall forfeit and pay the sum of sixpence for every bundle or truss of hay or straw not being of such weight.

Penalty on
salesmen buy-
ing and sell-
ing, on their
own account,
hay or straw,
or grass for
hay.

8. And . . . That no common salesman, factor, or agent, within the cities or limits aforesaid, shall buy and sell, on his own account, or of any person or persons in trust for him, any hay or straw whatsoever, or any grass of any kind or description, growing or making into hay, on pain of forfeiting for each and every fifty-six pounds weight of hay so bought and sold five shillings, and for each and every thirty-six pounds weight of straw so bought and sold two shillings : and also for each and every acre of such grass growing or making into hay, so bought and sold, a sum of money not exceeding five pounds, nor less than fifty shillings.

Salesmen
within 7 days
to send to the
owner an ac-
count of the
place, time,
and price of
hay or straw
sold, and of
the purchaser,
on penalty.

9. And . . . That every common salesman, factor, or agent, for the sale of hay or straw, within the cities or limits aforesaid, shall, within seven days next after the sale of every load or other quantity of hay or straw, send to the person or persons on whose account the same shall have been sold, a just and true account under his hand, of the place where, time when, and the price for which the same was sold, and also the name and place of abode of the purchasers thereof, on pain of forfeiting for every neglect or omission a sum of money not exceeding twenty shillings, nor less than ten shillings.

A register to
be kept in
markets for
entering sales
of hay and
straw, which
shall be open
for inspection.

10. And . . . That in every market for the sale of hay or straw within the cities or limits aforesaid, there shall be kept a publick book or register for entering and registering therein an account of all hay and straw which shall be, from time to time, sold in any such market ; and that in and for the city of London, such book or register shall be kept by the clerk or toll gatherer for the time being, appointed by the Lord Mayor, Commonalty, and citizens in the said city : and that in and for every other such market within the city of Westminster and limits aforesaid, such book or register shall be kept by the clerk or toll gatherer appointed within their several jurisdictions, and that before six of the clock in the evening on the day of the sale of any hay or straw, exceeding four trusses in one quantity, within the cities or limits aforesaid in any market, and within seven days after any such sale in the said cities and limits out of any market, there shall be made by the seller thereof, a true and faithful entry in the book or register of the market in which such hay or straw shall be sold, or where the same shall be sold out of any market, in the book or register of the market nearest to the place of sale, distinguishing the true names and places of abode of the persons so selling, and for whom sold, and by whom and on whose account the same shall have been bought, and the place where sold, and the true price paid or agreed to be paid for the same, which entry shall be subscribed by each seller of hay or straw, for which entry shall be paid to the keeper of the book or register the sum of one penny ; and that every such book or register shall be kept at some convenient place in every such market for the sale of hay and straw within the cities and limits aforesaid, and shall at all times between the hours of nine of the clock in the morning and six of the clock in the evening of each and every day (Sunday excepted) be open for the inspection of every person applying to inspect the same, paying for every such inspection the sum of one penny ; and in case any seller of hay or straw shall omit

to make the proper entry required by this Act, or the keeper of any book or register for the purposes aforesaid, shall knowingly suffer any untrue entry to be made or signed therein, or shall refuse to permit such book or register to be inspected by any person applying, and tendering payment of the fee for such inspection, every such seller of hay or straw, or keeper of such book or register, so offending, shall on conviction for every such offence forfeit and pay a sum of money not exceeding five pounds, nor less than ten shillings.

Penalty for not making due, or making untrue entry, or for refusing inspection of register.

11. Provided also, . . . That nothing in this Act contained shall oblige any person to register any hay or straw which he shall deliver in the cities or limits aforesaid, on special contract or agreement, but such hay and straw only which shall be sent to any market or place within the said cities and limits to be there sold, and which shall be accordingly there sold, shall be registered as before is directed; any thing in this Act before contained to the contrary thereof in anywise notwithstanding.

Act not to extend to hay or straw delivered on special contract.

12. Provided always, . . . That no clerk or toll gatherer, or his deputy, within the cities and limits aforesaid, shall buy or sell, or be concerned in the buying or selling of hay or straw within the cities or limits aforesaid, under the penalty of two shillings and sixpence for every bundle or truss of hay so bought or sold by him, or in the buying or selling of which he shall be so concerned, and of one shilling for every such bundle or truss of straw.

Penalty on clerk or toll gatherer buying or selling hay or straw.

13. And . . . That there shall be provided by every clerk or toll gatherer within the cities or limits aforesaid, and kept at the office of the clerk of every hay market within the said cities or limits, as also at the watch house of each and every parish within the limits thereof, by the churchwardens and overseers of such parishes respectively, proper scales and weights, or engines for the weighing all hay and straw which shall be required to be weighed; and such clerk or toll gatherer of the hay market, or his deputy, and the constable or headborough of the parish or place where such scales, weights, and engines shall be kept, are hereby appointed hay weighers within their respective parishes and places: and if any doubt shall at any time arise, whether any hay or straw sold in the cities or limits aforesaid, is not of the weight the same ought to be, then it shall be lawful for the buyer thereof, his servant or agent, on the delivery of any such hay or straw at the abode, yard, or loft of the buyer, or other place where the same shall be agreed by the seller to be delivered, to cause the same to be weighed in the presence of the seller, or his servant or agent; and if, on the same being so weighed, the buyer or seller of any such hay or straw, his servant or agent, shall be dissatisfied with any such weighing, it shall be lawful for any such buyer, his servant or agent, if the hay be delivered within a parish where there is any hay market, with all convenient speed, to apply to the clerk or toll gatherer, or his deputy, of such market, and if the hay be delivered in any other parish within the cities or limits aforesaid, to apply to the hay weigher nearest to the place where any such hay or straw shall be delivered to weigh the same, and on any such application being made, such clerk or toll gatherer, or his deputy, or other hay weigher who shall be applied to, shall with all convenient speed come to the place where such hay or straw shall be within the limits aforesaid, and shall there weigh such hay or straw as shall be complained of, and the weight thereof,

Scales and weights to be kept at the Clerk of the Market's office, and at the parish watch house.

Hay weighers.

Buyer of hay or straw may cause it to be weighed on delivery.

Directions for weighing it in case of dissatisfaction.

which shall be ascertained by any such clerk or toll gatherer, or his deputy, or other hay weigher, shall be conclusive to all parties ; but in case the clerk or toll gatherer of any market, or his deputy, shall not, upon such application as aforesaid, come with all convenient speed to the place where such hay or straw shall be delivered, it shall be lawful for the buyer, his servant or agent, to apply for the purposes aforesaid to such other hay weigher as shall be nearest to the place where any such hay or straw shall be delivered : and the person who shall require any such clerk, toll gatherer, or his deputy, or other hay weigher, to attend and weigh any such hay or straw, shall pay or tender to such hay weigher the sum of three shillings for a load, or in proportion for a greater or less quantity, before he shall be obliged to go to weigh any such hay or straw ; and if the hay or straw which shall be so weighed shall not be of the due weight the same ought to be, then the sum so paid shall be forthwith repaid to him by the seller of such hay or straw ; and if any clerk or toll gatherer, churchwarden or overseer, within the limits aforesaid, shall omit to provide and keep proper scales and weights, or engines, for the weighing of hay or straw, or if any clerk, toll gatherer, or his deputy, or other hay weigher, shall neglect or refuse to weigh any hay or straw when required, at any seasonable time in the day time, and so as the sum aforesaid shall have been paid or tendered, every such person offending therein, shall for every such offence forfeit and pay any sum not exceeding five pounds, nor less than ten shillings.

Penalty for not providing scales and weights, or for neglecting to weigh hay or straw.

No penalty to be incurred for selling hay or straw, not weight, or of bad quality, unless weighed at or before delivery, etc.

14. Provided always, . . . That no person shall incur any penalty for selling any hay or straw of less weight or worse quality than the same ought to be, unless such hay or straw shall be weighed either at or before the delivery, with the privity of the buyer, his servant or agent, or complained of in respect of the quality thereof at the time and place at which the same shall be agreed to be delivered by the seller, in the presence of such seller, his servant or agent, unless such seller, his servant or agent, on request made, or on notice given to him or them to attend to see such hay or straw so weighed, shall refuse or neglect to attend to see the same so weighed ; any thing herein contained to the contrary thereof in anywise notwithstanding.

Hours at which markets shall end, of which notice shall be given by ringing a bell, on penalty.

15. And . . . That the markets for sale of hay and straw, within the cities and limits aforesaid, shall end at three of the clock in the afternoon of every market day between Lady Day and Michaelmas, and at two of the clock in the afternoon of every market day between Michaelmas and Lady Day, and that notices thereof shall be given by the clerk or toll gatherer, or his deputy, in the several markets or places for the sale of hay and straw within the cities and limits aforesaid, by ringing on the usual market days a large hand bell round each respective market or place for the sale of hay or straw, one hour before the expiration of the times above-mentioned, and again at the expiration of the hours above-mentioned, on pain of forfeiting for every such offence a sum of money not exceeding ten shillings, nor less than five shillings ; and every person who shall sell any hay or straw in any market within the cities or limits aforesaid, after the hours aforesaid, shall forfeit for every bundle or truss of hay so sold the sum of sixpence, and for every bundle or truss of straw so sold the sum of threepence. [*Amended 4 & 5 Wm. 4, c. 21.*]

Penalty for selling after market hours.

16. And . . . That if any person having the care or direction of any waggon, wain, or cart, used for the purpose of bringing hay or straw, shall suffer the same to remain in any market or place for the sale of hay and straw within the cities and limits aforesaid, on the usual market days from Lady Day to Michaelmas, after five of the clock in the afternoon, and from Michaelmas to Lady Day after three of the clock in the afternoon, in any year, every person so offending shall forfeit for every such waggon, wain, or cart, so left as aforesaid, a sum of money not exceeding twenty shillings, nor less than five shillings. [*Amended 4 & 5 Wm. 4, c. 21.*]

Penalty for letting hay carts remain in hay markets after certain hours.

17. And . . . That if any person having the care or direction of any waggon, wain, or cart, in any market or place for the sale of hay or straw within the cities or limits aforesaid, shall permit or suffer the horse or horses drawing the same to feed and remain in any such market or place for the space of fifteen minutes, during the hours allowed for sale of hay or straw, under any pretence whatsoever, every person so offending shall for every such offence forfeit and pay a sum of money not exceeding twenty shillings, nor less than five shillings.

Penalty for permitting horses drawing hay or straw to remain in a market 15 minutes during market hours.

18. And . . . That no person whatsoever shall buy and sell again any hay or straw, that shall or may be conveying by land or water carriage for the purpose of selling within the cities or limits aforesaid, and that every person so offending shall forfeit for every truss of hay or straw so bought and sold the sum of five shillings; and no person shall buy any hay or straw in any market or place for the sale of hay or straw, for the purpose of selling again in any such market or other place within the cities or limits aforesaid: and every person so offending shall, for every truss of hay or straw so bought, forfeit and pay the sum of five shillings: Provided always, that no person selling hay or straw by retail at their own premises, in any less quantity than five trusses as aforesaid, shall be liable to such last mentioned penalty.

Penalty for buying and selling again hay or straw, conveying to be sold within the limits of the Act, or buying in a market place to sell it again therein.

19. And . . . That if any person within the cities or limits aforesaid shall, after having purchased for, or sent in or delivered to any person, by whom or on whose account he may have been so employed to purchase any hay or straw, charge or demand a greater price than what was really and truly paid or agreed to be paid for any such hay or straw, every person so offending shall forfeit and pay the sum of five shillings for every bundle or truss of hay or straw so purchased, sent in, or delivered.

Penalty for charging more than actually paid.

20. And . . . That if any person shall sell any quantity of hay or straw within the cities or limits aforesaid, and shall afterwards send in or deliver, or tender to the buyer thereof, as and for the hay or straw so sold, any other hay or straw in part or in whole, every person so offending shall forfeit and pay the sum of ten shillings for every bundle or truss of hay, and the sum of five shillings for every bundle or truss of straw so sent in, delivered, or tendered as aforesaid.

Penalty for delivering other than the commodity sold.

21. And . . . That if any person shall knowingly and fraudulently mix, or put, or cause to be mixed, or put, any water, or any sand, earth, or any other matter or thing, in any bundle or truss of hay or straw, with an intent to increase the weight thereof, and shall afterwards sell, send in, and deliver the same, or any part thereof, within the cities or limits aforesaid: or if any person shall sell any quantity of hay or straw, within the cities or limits aforesaid, and

Penalty for fraudulently increasing weight.

shall afterwards mix, or put, or cause to be mixed, or put, in the bundles or trusses of such hay or straw, water, sand, earth, or any other matter or thing, with an intent to increase the weight thereof, or any part thereof, and shall afterwards send in, or deliver, or tender to the buyer thereof, any such hay or straw, every person so offending shall forfeit and pay the sum of ten shillings for every bundle or truss of hay, and the sum of five shillings for every bundle or truss of straw so sent in, delivered, or tendered as aforesaid.

Penalty for delivering less than the number of trusses sold.

22. And . . . That if any person selling any hay or straw, in any market or place within the cities or limits aforesaid, shall deliver to, or tender to or for, or on account of, the buyer thereof, a less number of bundles and trusses of hay or straw, as or for the true number bought and sold, or if the driver of the waggon, wain, or cart, in which such hay or straw shall be, for the purpose of being delivered according to such sale, shall secrete, keep back, or withhold, any part of the said hay or straw, or shall deliver a less number of bundles or trusses to the buyer, such driver or person selling, knowing the same so delivered not to be the true number bought, or which ought to be delivered according to such sale, every driver or person selling so offending, shall forfeit and pay the sum of five pounds for every bundle or truss of hay or straw so secreted, kept back, withheld, or not delivered; and in default of immediate payment of any such penalty by any such driver, on conviction before any Justice of the Peace in whose jurisdiction the offence shall have been committed, such driver or person selling, shall be forthwith sent, by warrant under the hand and seal of such Justice, to the House of Correction, or other prison within the jurisdiction of such Justice, there to remain and be kept to hard labour. . . . [*Part omitted (as to period of imprisonment) rep. by the Summary Jurisdiction Act 1884, s. 4.*]

Penalty for not bringing hay or straw, exposed and not sold, to the market place on the ensuing market day, etc.

23. And . . . That if any person or persons, after having brought or received any hay or straw for sale, or exposed any hay or straw to sale on a market day, in any market or place for sale of hay or straw within the cities or limits aforesaid, which shall not be sold, shall thereupon lodge the same in any place near to such market or place as aforesaid, and shall not, if the same be not before that time sold, bring and expose the said hay or straw for sale in such market or place, by eleven of the clock in the forenoon of the next ensuing market day, or if any person lodging any hay or straw as aforesaid, which shall be brought to any place for the purpose of sale on a bye day or a day between the usual market days, shall not, if the same be not before that time sold, bring and expose all such hay or straw for sale in such market near to where the same was lodged, on the following market day by the same hour as aforesaid, or as soon after as the weather will permit without endangering the spoiling or injuring the same, every person so offending shall forfeit and pay for every such offence any sum of money not exceeding five pounds, nor less than forty shillings.

Penalty for giving or receiving false receipts of the price of hay or straw sold.

24. And . . . That if any person who shall have been concerned in buying or selling any hay or straw within the cities or limits aforesaid, shall give, take, or receive, any false or untrue receipt, ticket, or memorandum, of the price of any hay or straw so sold or bought as aforesaid, expressive of a greater or less price than what the same was really and truly sold for or bought, every person so offending shall for every such offence forfeit and pay any sum not

exceeding ten pounds, nor less than five pounds, upon complaint being made to any Justice of the Peace within whose jurisdiction the offence shall have been committed, at any time within six calendar months after such offence committed, any thing hereinafter contained to the contrary thereof in anywise notwithstanding : Provided always, that if any person offending in either of the cases aforesaid shall, within the said space of six calendar months, give information of and prosecute to conviction any other person so offending, such informer shall be indemnified from the penalty hereinbefore mentioned.

25. Provided always, . . . That no person shall be prosecuted for any of the before-mentioned offences, except where it has been or shall be herein otherwise expressed, unless information of any such offence be given to the proper magistrate, within fourteen days next after the commission of such offence. Limitation of prosecutions.

26. And, for the more speedy recovery of all and every forfeiture which shall be incurred under this Act, and for the disposing thereof, be it further enacted, That on complaint or information being made to any Justice of the Peace of any offence committed against this Act within the jurisdiction of such Justice, such Justice is hereby required and authorized . . . to proceed to hear and determine the matter of the said complaint, by the oath or oaths of any one or more credible witness or witnesses, and to convict the respective offender, and to award and adjudge the respective penalties imposed by this Act to be paid by such offender, together with the reasonable costs and charges attending such conviction. . . . *[Parts omitted (as to summons and distress) rep. by the Summary Jurisdiction Act 1884, s. 4.]* Recovery of forfeitures.

27. Provided always, . . . That when and as often as it shall happen that any salesman or salesmen shall in manner aforesaid be convicted of any offence against this Act, and thereby become subject to the payment of any of the penalties before mentioned, it shall be lawful for any such salesman to exhibit his complaint or information against the farmer or other person, for whom or on whose account he shall have sold the hay or straw. (on account of which such salesman or salesmen shall have been so convicted), before some Justice of the Peace within the jurisdiction in which such hay or straw shall have been so sold : and such Justice is hereby required to summon such farmer or other person, and also any witness or witnesses, to appear before him the said Justice, on a day to be appointed and named in the said summons, (not less than seven days after the issuing of such summons), although such farmer or other person against whom such information shall be laid, may happen to reside out of the county, city, borough, division, or liberty, in which such hay or straw may have been so sold : and on its being made appear to the said Justice on oath, that such summons was duly served upon, or left at the usual place of abode of the party summoned, then every such Justice is hereby authorized and required to proceed to hear and determine the matter of the said complaint or information, in like manner as is hereinbefore provided and directed, for hearing of complaints against salesmen : and if it shall appear to the satisfaction of such Justice that such salesman shall not have been guilty of or privy to any fraud or deceit in the premises, but that such fraud or deceit was imputable to such farmer or other person so complained against as aforesaid, then such Justice is hereby authorized and required to award to such salesman, Salesmen convicted of offences, may exhibit complaint against employer before a Justice, who may determine the matter.

the amount of the penalty so by him paid as aforesaid, together with full costs and charges, as well those occasioned by the complaint against him, as by such subsequent complaint against such farmer or other person; such costs and charges to be first ascertained and allowed by such Justice, and to adjudge the said farmer or other person, the owner of the said hay or straw, to pay the same; and the said Justice is hereby authorized and required, by warrant under his hand and seal, to cause the same to be levied in like manner as penalties and forfeitures are by this Act directed to be levied and recovered.

Complaint to be made within 14 days after conviction of a salesman; and if frivolous, the Justice may award costs to the employer.

28. . . . Provided nevertheless, that every such complaint or information shall be made within fourteen days after the conviction of such salesman as aforesaid, and not afterwards. . . . [*Parts omitted (as to warrant of distress and frivolous complaint) rep. by the Summary Jurisdiction Act 1884, s. 4.*]

Appeal may be made to the Quarter Sessions.

29. Provided always, . . . That if any person convicted of any offence punishable by this Act, shall think him, her, or themselves aggrieved by the judgement or determination of any such Justice as aforesaid, such person may appeal against the same to the Justices at the General or General Quarter Sessions of the Peace . . . ; and the Justices of the Peace at such General or General Quarter Sessions of the Peace, are hereby authorized and required, on every such appeal being made, finally to hear and determine the matter of every such appeal, and to make such order, and to award such costs therein, as they in their discretion shall seem meet; and which said order and determination shall be final and conclusive to all parties, and no certiorari shall be allowed to remove any such proceedings or determination. [*Part omitted (as to procedure) rep. by the Summary Jurisdiction Act 1884, s. 4.*]

Penalties to go to the prosecutor.

30. And . . . That every penalty and forfeiture by this Act imposed shall, when recovered, go and be paid to the person or persons who shall prosecute to conviction any offender or offenders against this Act.

31. [*Limitation of actions—Costs. Rep. by the Public Authorities Protection Act 1893, s. 2.**]

43 GEORGE III. A.D. 1803.

CHAPTER CXXXI.

† AN ACT FOR BUILDING A BRIDGE OVER THE RIVER RAVENSBORNE, AT OR NEAR ITS MOUTH OR OUTLET INTO THE RIVER THAMES, IN THE COUNTY OF KENT, AND FOR MAKING AND MAINTAINING PROPER APPROACHES THERETO. [27th July 1803.]

[*Preamble.*]

1. [*Incorporation of the Deptford Creek Bridge Company. Spent. See 40 & 41 Vict. c. xcix. s. 15.*]

Bridge to be built.

2. . . . It shall be lawful for the said Company, and they are hereby authorized and empowered, at their own proper costs and charges, by their agents, officers, workmen, and others, to build a bridge across or over the said River Ravensborne, at or near its mouth or outlet aforesaid, from the western bank or shore thereof, between the River Thames and a certain place

* See Appendix.

† See also 1 Vict. c. cxx.; 40 & 41 Vict. c. xcix.; and 44 & 45 Vict. c. xcii.

on the said western bank or shore called the Copperas Dock, in the parish of Saint Paul Deptford aforesaid, to the opposite shore, in the parish of East Greenwich aforesaid, in such a situation as by the said Company shall be thought most advisable: and to dig and make proper foundations in the said river, and on the lands and grounds lying and being on each side thereof, for the piers and abutments of the said bridge, and to cut and level the banks of the said river, in such manner as they shall think necessary for building the said bridge; and to cut, remove, take, and carry away, all trees, roots of trees, beds of gravel, sand, mud, or any other impediment whatsoever, which may in anywise hinder the erecting and completing the said bridge, and to turn, widen, alter, or enlarge any and every present foot, bridle, or horse road or roads, or way or ways, or highway or highways leading, or which may lead to the said bridge, within the distance of half a mile therefrom; and to make all such new or other roads or ways to and from the said bridge, as the said Company may think proper, to facilitate the approach to the same from Church Street, in the parishes of Saint Nicholas and Saint Paul Deptford aforesaid, and from Church Street in the parish of Greenwich aforesaid, each being at the distance of one quarter of a mile or thereabouts from the said River Ravensborne; and to do, perform, and execute all such other matters and things as the said Company shall think requisite and necessary, useful or convenient, for erecting, and building, maintaining and supporting, the said intended bridge or the approaches thereto, and the passage over and under the same; and to land on either side of the said River Ravensborne, within the distance of one quarter of a mile of the scite or intended scite of the said bridge, all materials and other things to be used in and about the said bridge, roads, and ways, and there to work and use the same, they the said Company making such satisfaction as hereinafter mentioned, to the respective owners and occupiers of all such lands, grounds, tenements and hereditaments as shall be taken or made use of for the said purposes or any of them.

3. Provided always, . . . That every new road or way to be made by virtue of this Act, within the parishes of Saint Nicholas and Saint Paul Deptford aforesaid, or either of them, shall be made southward of a certain street in the said parish of Saint Nicholas, called the Stowage, and northward of a right line to be drawn from Church Street on the north side of the New Trinity Almshouses, in the parish of Saint Paul Deptford to the Copperas Dock aforesaid; and that every new road or way to be made by virtue of this Act, in the parish of Greenwich aforesaid, shall be made northward of a right line to be drawn from the Copperas Dock aforesaid, to the east end of a street or way called Skelton's Lane in the said parish of Greenwich.

4. [*As to construction of bridge. Spent.*]

5. [*Bridge not to be a county bridge and as to rating thereof. Superseded 40 & 41 Vict. c. xcix. s. 15; and 58 & 59 Vict. c. cxxvii. s. 46.*]

6. . . . No ship, lighter, or other vessel, having any fixed or standing mast or sail, shall be navigated, passed, or warped, under or through the said bridge at any other time or times than at flood tide, or when the water shall be flowing or running from the River Thames into the said River Ravensborne; and in case any such ship, lighter, or vessel, shall be navigated, passed,

Directions for roads.

No vessel with fixed mast to pass under the bridge, but on flood tide.

or warped, under or through the said bridge at any other time or season than as aforesaid, the owners or owner of every such ship, lighter, or vessel shall for every offence forfeit and pay the sum of ten pounds, one moiety thereof shall be paid to the informer or informers, and the other moiety thereof shall belong to the said Company; and the said owners or owner shall moreover be answerable and liable to make satisfaction to the said Company, for any damage or injury that shall or may be done to the said bridge or any part thereof, by any such ship, lighter, or vessel, and every other damage and loss which the said Company may sustain therefrom.

Vessel having lowered their masts may pass under the bridge on ebb tide.

7. Provided always, That nothing herein contained shall extend to prevent any ship, lighter, or vessel, having a moveable mast or masts, and having lowered the same with the sail or sails thereto belonging, from being navigated, passed, or warped under the said bridge upon ebb tide, or when the water shall be running out of the said River Ravensborne into the River Thames, so that there be sufficient depth of water for the purpose as hereinafter mentioned, and the said ship, lighter, or vessel can safely pass under the said bridge or through any arch or arches thereof without doing any damage to the said bridge, or arch or arches.

Bridge not to be moved after high water.

8. Provided also, That nothing herein contained shall extend, or be construed to extend, so as to oblige or compel the said Company, or their servants, or any of them, to open or remove any such draw-bridge or swing-bridge at any time or times for the passage of ships, lighters, or other vessels whatsoever, after the water has ceased flowing from the River Thames into the said River Ravensborne, or after the height or top of what is commonly called flood tide.

Company to fix marks to denote high water.

9. . . . In order to prevent any doubt respecting the time for the passage of ships, lighters, or vessels with a fixed or standing mast or masts, sail or sails, through the said draw-bridge or swing-bridge, and for the better information of the navigators thereof, it shall and may be lawful for the said Company to note or mark, or to affix any mark or note upon the said bridge, or the pier or piers, posts or piles, or other conspicuous part or parts thereof, denoting the time or period when the water from the River Thames shall have ceased flowing into the said River Ravensborne, or the height or top of what is commonly called flood tide as aforesaid, at which time or period the tide or water flowing or running from the River Thames, as aforesaid, shall be taken and adjudged to have ceased; and thereafter no ship, lighter, or vessel as aforesaid, with any fixed or standing mast or masts, sail or sails, shall be navigated, passed, or warped through the said bridge, until the next return of tide, on forfeiture of the said penalty and making such payment as aforesaid: Provided, that no such mark or note shall extend to stop the navigation of such ships, lighters, or vessels sooner than twenty minutes before the ceasing of the flowing of the tide in the River Thames to the height generally known by the name of or called high water mark.

Company mark the depth of water at the bridge, etc.

10. . . . For the information of any and every person navigating any ship, lighter, barge, boat, or other vessel under the said bridge hereby authorized to be made, or through any arch or arches thereof, it shall and may be lawful for the said Company to order and direct, or cause to be placed or made some mark or marks, note or notes upon the piers, posts, or piles of the said bridge, and the arch and arches thereof, or any of them, to denote

the depth of water at or under the said bridge and the arch and arches thereof respectively; and in case the owner, navigator, or other person having the care of any ship, lighter, barge, boat, or other vessel shall pass or attempt to pass the same under or through the said draw-bridge or swing-bridge, or any arch or arches of the said bridge so authorized to be made as aforesaid, unless the draft of water of the same respectively, shall be full six inches above or clear of the bed or channel of the said River Ravensborne, at or under the said bridge or the arch or arches thereof, or the said draw-bridge or swing-bridge through which the said ship, lighter, barge, boat, or other vessel shall pass, or attempt to be passed according to such mark or marks, note or notes, he or they shall for every such offence, forfeit and pay the sum of ten pounds, one moiety thereof shall be paid to the informer or informers, and the other moiety shall belong to the said Company; and the owners or owner of such ship, lighter, barge, boat, or vessel shall moreover be answerable and liable to make satisfaction to the said Company for any damage or injury done to the said bridge, or to any arch or arches thereof, or to the said draw-bridge or swing-bridge, and for every other damage or loss which the said Company may sustain therefrom.

11—37. [*As to acquisition of land—Assessment of compensation—Application of purchase moneys, etc.—Purchase and resting in Company of Greenwich Sunday Ferry and every other ferry over the River Ravensborne, and provisions as to cesser of ferries. Spent.*]

38. [*No annoyance to be made on bridge or roads. Semble superseded 57 Geo. 3, c. xxix. s. 65; the Highways Act 1835, s. 72; 2 & 3 Vict. c. 47, s. 54; 45 Vict. c. lvi. s. 41; and 55 & 56 Vict. c. cccxxviii. s. 40, etc.*]

39—41. [*Erection of Hoards—Power to Company to cut drains, etc.—Company's surveyor to remove annoyances. Semble superseded 18 & 19 Vict. c. 120, s. 122; and see note on s. 38, supra.*]

42—69. [*Capital powers and financial provisions—Resting of bridge and streets in Company, and as to tolls. Spent and superseded (as to tolls) 40 & 41 Vict. c. xcix. s. 16.*]

70. . . . The master or owner, or owners of every barge, boat, ship, or vessel, which shall pass upon the said river under and through the said bridge, shall be and is hereby made answerable and responsible, and liable to make satisfaction to the said Company for any damage or injury that shall or may be done to the said bridge, or any part thereof, by any such barge, boat, ship, or vessel respectively.

Masters and owners of vessels liable for damage done to the bridge.

71. [*Penalty for wilfully damaging bridge. Superseded 18 & 19 Vict. c. 120, s. 206, and the Malicious Damage Act 1861, ss. 33, 51.*]

72. . . . In case the said bridge shall at any time become impassable or unsafe for travellers or carriages, the said Company shall and are hereby required to cause the same to be forthwith rebuilt or repaired and made safe and commodious for the passage of travellers, cattle, and carriages, and in the mean time until the said bridge shall be so rebuilt or repaired, and made safe and commodious, it shall be lawful for the said Company, and they are hereby required during all such time as the said bridge shall be impassable or unsafe as aforesaid, to provide a proper and convenient ferry for the passage of travellers, cattle, and carriages over the said river as near to the said bridge as conveniently may be. . . . [*Part omitted (as to tolls) superseded 40 & 41 Vict. c. xcix. s. 16. See also 44 & 45 Vict. c. xciii. s. 31.*]

When bridge impassable a ferry to be provided.

73—86. [*As to Directors and Meetings of Company—Calls on shares—Officers' accounts, etc. Spent; and see 40 & 41 Vict. c. xcix. ss. 15, 16.*]

Power for
lighting
bridge and
road.

87. . . . The Directors of the said Company shall have full power and authority to cause such and so many lamps to be erected upon or near the said bridge, roads, streets, or ways before mentioned, or any of them, or any part thereof, as they shall think proper, and to fix any of such lamps, and the posts and irons thereof, in, upon, or against the walls of any houses or other buildings, in, upon, or against such other places, and to be altered, taken down, or removed, in such manner as to them shall seem fit, and to cause such lamps, or any of them, to be lighted at such seasons of the year, in such evening, and in such hours of the evening, and to be kept burning for so many hours as to them shall seem necessary and proper. . . . [*Part omitted (as to wilful damage to lamps, etc.) superseded 18 & 19 Vict. c. 120, s. 206. See also 45 Vict. c. lvi. s. 41.*]

88—89. [*Guarding and watching bridge. Superseded 10 Geo. 4, c. 44, s. 4.*]

90. [*Power to Company to make bye-laws. Spent. See 45 Vict. c. lvi. s. 41.*]

91. [*Breaking up roads by Water Companies. Superseded by the Waterworks Clauses Act 1847, ss. 30—34; and see 18 & 19 Vict. c. 120, ss. 109, 110.*]

92—95. [*As to recovery of penalties, etc. Superseded by the Summary Jurisdiction Acts.*]

Appeal given
to the Quarter
Sessions.

96. . . . If any person or persons shall think himself, herself, or themselves aggrieved by any order or judgement made or given in pursuance of any rule, bye-law, or order of the said Company, or by any order, judgement, or determination of any Justice or Justices of the Peace relating to any matter or thing in this Act mentioned or contained, such person or persons may appeal to the Justices of the Peace or Magistrates at any Sessions of the Peace to be holden for the county or place wherein the cause shall arise. . . . [*Part omitted (as to procedure on appeal) superseded by the Summary Jurisdiction Acts; see also the Quarter Sessions Act 1849, s. 1.*]

Proceedings
not to be
quashed for
want of form.

97. . . . No conviction, order, judgement, or other proceeding touching or concerning any of the matters or things by this Act authorized or required, shall be quashed or vacated for want of form only, or be removed or removeable by certiorari or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster, any law or statute to the contrary notwithstanding. [*Part omitted (as to distress) superseded by the Summary Jurisdiction Acts.*]

98. [*For securing transient offenders. Semble spent. See also the Highways Act 1835, s. 79, and 2 & 3 Vict. c. 47, s. 63.*]

99. [*Justices may act although proprietors. Spent. See 40 & 41 Vict. c. xcix.*]

100. [*Punishment for false evidence. Superseded by the Summary Jurisdiction Acts.*]

101. *Limitation of Actions. Rep. in part by the Limitations of*

Actions and Costs Act 1842. Remr. superseded by the Public Authorities Protection Act 1893.]*

102. [*Act to be judicially noticed.*]

SCHEDULE. [*Description of lands to be taken. Spent.*]

46 GEORGE III. A.D. 1806.

CHAPTER LVII.

AN ACT FOR ENCLOSING LANDS IN THE MANOR OF LAMBETH, IN THE COUNTY OF SURREY. [23rd May 1806.]

[*Preamble recites (inter alia) that there are within the manor of Lambeth in the county of Surrey certain common lands containing two hundred acres and upwards, that the Archbishop of Canterbury in right of his archiepiscopal see is Lord of the Manor, that Edward Lord Thurlow William Cole and divers other persons were the owners of lands or tenements, parcel or held of the said manor and in respect of which they claim common of pasture in the said common lands and recites that the said Archbishop in right of his said see is seized of divers woods and wood grounds in the said manor containing two hundred acres and upwards and of the ground and soil thereof and of all timber and other trees wood and underwood therein, and that the said Edward Lord Thurlow William Cole and divers other persons as owners of tenements held of the said manor claim rights of common of pasture over the said woods or wood grounds and of taking bushes etc. and certain wood therefrom for firewood and that the said common lands and wood grounds if divided and enclosed might be greatly improved.*]

17. Provided always and be it further enacted That no buildings or erections above the surface of the earth shall at any time hereafter be erected upon the narrow strip of waste land lying in front of Brixton Place or upon the common called Rush Common within the distance of one hundred and fifty feet from the turnpike road leading from London to Croydon being the boundary thereof on the one side or within the distance of two hundred feet from the old enclosures being the boundaries thereof on the east and south sides nor shall any such erections or buildings be erected upon any other of the said common lands or wood grounds intended to be divided or enclosed by this Act within the distance of one hundred feet in front of any messuage or dwelling house already erected upon any land adjoining thereto without the consent in writing of the owner or owners of such last mentioned messuage or dwelling house and his or their lessee or lessees respectively, and in case any such buildings or erections shall at any time or times hereafter be built contrary to the true intent and meaning of this Act it shall be lawful for any person or persons who shall be injured or affected thereby to remove or abate the same or otherwise to proceed against the person or persons so offending in like manner as in case of nuisance.

No building to be erected on certain parts of the land to be enclosed.

[*The remainder of the Act contains usual Enclosure Act provisions, appointing Enclosure Commissioners and laying down the procedure for enclosing the lands.*]

* See Appendix

49 GEORGE III. A.D. 1809.

CHAPTER CXCI.

AN ACT FOR BUILDING A BRIDGE OVER THE RIVER THAMES, FROM THE PRECINCT OF THE SAVOY, OR NEAR THEREUNTO, IN THE COUNTY OF MIDDLESEX, TO THE OPPOSITE SHORE; AND FOR MAKING CONVENIENT ROADS AND AVENUES TO COMMUNICATE THEREWITH, IN THE COUNTY OF SURREY. [20th June 1809.]

[Preamble recites (inter alia) that it will be of advantage not only to the inhabitants of the city of Westminster and parts adjacent, and of the parish of Saint Mary Lambeth in the county of Surrey, but to many other of His Majesty's subjects, and the public in general, if a bridge were erected over the River Thames, from some part of the Precinct of the Savoy, or near or adjoining thereunto, in the county of Middlesex, to the opposite shore at or near Cuper's Bridge in the said parish of Saint Mary Lambeth in the said county of Surrey: and if convenient roads and avenues were made to communicate therewith from a certain road leading from the east end of Westminster Bridge to the Stones End in Blackman Street, in the parish of Saint George, in the borough of Southwark, near a certain place called The Obelisk in Saint George's Fields, in the parish of Saint George Southwark, and from a certain other place called Oakley Street, in the parish of Saint Mary Lambeth, both in the said county of Surrey, and from a certain other place called Stamford Street, in the parish of Christchurch, in the county of Surrey, to the Westminster Road near Westminster Bridge, in the parish of Saint Mary Lambeth aforesaid.]

1—40. *[Incorporation of the Strand Bridge Company with authorized capital of £500,000—Financial provisions and Company's procedure. Spent. See 40 & 41 Vict. c. xcix.]*

41. . . . There shall be constructed at the north end of the said bridge one, and on the south end two, convenient stone stairs or plying places, for the use of the watermen and wherry-men rowing upon the said river of Thames from Windsor in the county of Berks, to Gravesend in the county of Kent, and that the said watermen and wherry-men shall have the free use of the said stairs, in the same manner as they have of the stairs and plying places at Westminster Bridge and Blackfriars Bridge, and which said stairs and plying places shall from time to time and at all times hereafter be upheld, maintained, and kept in good, proper, and substantial repair, at the costs, charges, and expences of the said Company of Proprietors and their successors.

42—44. *[Construction of bridge. Spent.]*

45. And whereas it may happen that the said bridge, after it shall have been completed and used, may receive such damage by unforeseen accidents, that the passage thereof may for a time become dangerous and impracticable: be it therefore enacted, That when and as often as it shall so happen, it shall and may be lawful to and for the said Company of Proprietors or their committee, or any five or more of them, or such person or persons as they

To make
landing
places.

Company may
make a ferry
or temporary
bridge if
accidents
happen.

shall or may appoint for that purpose, from time to time as often as occasion shall require, to provide a proper and convenient ferry or ferries across the said River Thames, or otherwise to erect or build a temporary bridge at some place or places near to the site of the said bridge: . . . Provided always, that such ferry or ferries or temporary bridge shall continue for such term only as shall be necessary for repairing and rebuilding the said bridge, and until the passage over the same shall cease to be dangerous or impracticable as aforesaid, and no longer: Provided also, that the said Company of Proprietors or their committee and successors, shall from time to time and at all times hereafter, when and as often as occasion shall require (in case the said bridge shall become dangerous and impracticable, and a ferry or ferries provided or a temporary bridge erected as aforesaid) be compelled to employ for the working and navigating the said ferry or ferries, the free watermen and wherry-men rowing and working on the said river of Thames from Windsor in the county of Berks to Gravesend in the county of Kent; and that the said free watermen and wherry-men shall have the sole right of conveying foot passengers across the said river, and no other person or persons whomsoever; anything herein contained to the contrary notwithstanding. [*Part omitted (as to tolls) superseded 40 & 41 Vict. c. xcix. s. 16.*]

46. [*Compensation to the Company of Watermen and Wherry-men. Spent.*]

47. [*Power to build and maintain the bridge. Spent in part. Remr. superseded 40 & 41 Vict. c. xcix. s. 16.*]

48. [*No house except toll house to be erected on bridge. Spent.*]

49. And whereas, in order to have a proper and convenient access to the said bridge on the Surrey side of the said River Thames, it will be necessary to make divers new roads and avenues from the said bridge to divers places in the parishes of Saint George Southwark, Christ Church, and Saint Mary Lambeth, in the said county of Surrey; be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to set out and make a road from the said bridge to the road leading from the east end of Westminster Bridge to the Stones End in Blackman Street in the parish of Saint George in the borough of Southwark, near a certain place called The Obelisk in Saint George's Fields in the said parish of Saint George Southwark in the said county of Surrey; and also set out and make another road from the said bridge to a certain other place called Oakley Street, in the said parish of Saint Mary Lambeth, in the said county of Surrey; and also to set out and make another road from a certain street called Stamford Street in the said parish of Christ Church, in the said county of Surrey, into the said first-mentioned road, and to continue the same across the said first-mentioned road into a certain road called the Westminster Road, in the said parish of Saint Mary Lambeth, in such manner as they the said Company of Proprietors shall deem proper and expedient, they the said Company of Proprietors first making satisfaction to the owner or owners of such lands, houses, tenements, and hereditaments, as they may require for the making and constructing the said roads in manner hereinafter directed, in respect of the owners of other lands, houses, tenements, and hereditaments. . . . [*Part omitted (as to repair of roads) superseded 40 & 41 Vict. c. xcix. s. 16.*]

Company may
make roads.

50—63. [*As to compensation—Powers to alter placement of part of the Strand—To take lands and to sell lands not wanted—Application of purchase money. Spent.*]

64, 65. [*Saving rights of the Crown, Dean and Chapter of Westminster, and the High Steward, High Bailiff and Burgesses of Westminster.*]

66—86. [*Saving rights of Commissioners of Sewers of Surrey and Kent, Messrs. Phelps & Company, and the German Reformed Protestant Chapel—Compensation for rates in St. Mary-le-Strand and St. Clement Dunes—Provisions as to acquisition of lands, and assessment of compensation—Power to Duchy of Lancaster to sell lands, etc.—As to embanking the Thames from the east of the bridge to the then embankment of Somerset House, and compensation to the tenants of the Duchy of Lancaster. Spent. Superseded (as to Commissioners of Sewers) 11 & 12 Vict. c. 112.* See now 18 & 19 Vict. c. 120 s. 135.]*

87. [*Saving rights of the Sovereign in respect of the Duchy of Lancaster.*]

88. [*Bridge Avenue to be sixty feet from Somerset House. Spent.*]

89—100. [*Powers for Duchy of Cornwall to sell lands, and for Company to exchange certain lands with the Duke of Cornwall—General provisions as to taking of lands, recording verdicts, payment of purchase money for lands taken. Spent.*]

101—116. [*As to tolls. Superseded 40 & 41 Vict. c. xcix. s. 16.*]

117—121. [*Authorizing Company to allow Water Companies to lay pipes upon or over the bridge and to take payments—To take without payment gravel, etc., for making or repairing authorized works, from rivers, brooks, moors, wastes, or commons—Bridge and roads not to be liable to parochial rates, and saving rights of trustees of certain roads. Spent or semble obsolete.]*

122—131. [*For removing annoyances—Lopping trees—Penalties on throwing rubbish and on trailing timber on the roads—Transient offenders—Penalties for damaging milestones, watch-houses, lamps, etc., and for assaulting officers, etc., and for destroying works. Semble superseded 57 Geo. 3. c. xxix. s. 65; the Highways Act 1835, ss. 65, 72 & 79; 2 & 3 Vict. c. 47, ss. 54, 60 & 63; 18 & 19 Vict. c. 120, s. 206; the Malicious Damage Act 1861, ss. 33, 34, 51 & 52; 45 Vict. c. lvi. s. 41; and 55 & 56 Vict. c. cexxxviii. s. 40.]*

132. [*Half the bridge deemed to be in Middlesex and half in Surrey. Superseded 51 & 52 Vict. c. 41.]*

133—145. [*Application of tolls—Provisions as to Commissioners—Repair of bridge and revival of tolls, and Company's books to be evidence. Superseded 40 & 41 Vict. c. xcix. s. 16.]*

147. [*Saving rights of Mayor and Corporation of London as Conservators of Thames. Superseded 57 & 58 Vict. c. clxxxvii.†]*

148, 149. [*Penalties and forfeitures. Spent; and see the Summary Jurisdiction Acts.]*

150. [*As to appeals to Quarter Sessions. Spent.*]

* Rep. 38 & 39 Vict. c. 66 (S.L.R.).

† See Appendix.

151—153. [*Summoning witnesses—Form of concision and distress. Superseded by the Summary Jurisdiction Acts.*]

154, 155. [*Tender of amends—Notice and limitation of actions. Rep. in part by the Limitations of Actions and Costs Act 1842. Remr. superseded by the Public Authorities Protection Act 1893.**]

156. [*Act to be judicially noticed.*]

SCHEDULE. [*Description of lands to be taken. Spent.*]

53 GEORGE III. A.D. 1813.

CHAPTER CLXXXIV.

AN ACT FOR ALTERING, ENLARGING, AND EXTENDING THE POWERS OF AN ACT OF HIS PRESENT MAJESTY, FOR BUILDING A BRIDGE OVER THE RIVER THAMES, AT THE PRECINCT OF THE SAVOY, OR NEAR THEREUNTO; AND MAKING ROADS AND AVENUES TO COMMUNICATE THEREWITH, IN THE COUNTIES OF MIDDLESEX AND SURREY. [2nd July 1813.]

[*Preamble recites 49 Geo. 3, c. xcvi.*]

1—20. [*Powers for Company to alter the approach to the north foot of the said bridge from the Strand, as shown on plans deposited with the Clerks of the Peace for Middlesex and Surrey, and to take premises described in the schedule to the Act—As to correcting books of reference—Variation of 49 Geo. 3, c. xcvi. s. 58—Financial provisions—Compensation to Jesus College, Oxford—Bridge to be completed before roads began—Amendment of 49 Geo. 3, c. xcvi. s. 42—As to building and opening of bridge for foot passengers before completion—Resale to the City of London of lands not wanted. Spent.*]

21. [*Company not to obstruct Narrow Wall, in the parish of St. Mary Lambeth. Rep. 56 Geo. 3, c. lxxiii. s. 1.*]

22—26. [*No houses except toll houses to be erected on bridge or roads—Power to lease tolls—As to rates in St. Mary-le-Strand—Explaining 49 Geo. 3, c. xcvi. s. 88—Tolls on the new roads. Spent in part. Remr. superseded 40 & 41 Vict. c. xcix. s. 16.*]

27. . . . It shall and may be lawful for the said Company to make and construct two stone stairs or plying places at each end of the said bridge. As to landing places.

28—31. [*Repeal of certain exemptions from toll—Variation of 49 Geo. 3, c. xcvi. s. 79, as to compensation for lands taken and as to expenses of purchases. Spent.*]

32, 33. [*New Commissioners appointed—Extending 49 Geo. 3, c. xcvi. to this Act.*]

34. [*Act to be judicially noticed.*]

SCHEDULE. [*Description of lands to be taken. Spent.*]

* See Appendix.

56 GEORGE III. A.D. 1816.

CHAPTER LXIII.

AN ACT FOR ALTERING AND ENLARGING THE POWERS OF TWO ACTS OF HIS PRESENT MAJESTY, FOR BUILDING A BRIDGE OVER THE RIVER THAMES, FROM THE PRECINCT OF THE SAVOY, OR NEAR THEREUNTO, IN THE COUNTY OF MIDDLESEX, TO THE OPPOSITE SHORE : AND FOR MAKING CONVENIENT ROADS AND AVENUES TO COMMUNICATE THEREWITH IN THE COUNTY OF SURREY, AND ALSO FOR MAKING A NEW ROAD IN LIEU OF PART OF THE ROAD OR STREET CALLED NARROW WALL, IN THE SAID COUNTY OF SURREY, AND FOR MAKING AN ARCHWAY OVER PART OF SUCH NEW ROAD : AND FOR DENOMINATING THE SAID BRIDGE THE WATERLOO BRIDGE. [20th June 1816.]

[*Preamble recites 49 Geo. 3, c. xcxi. and 53 Geo. 3, c. clxxxiv.*]

1, 2. [*Repeal of 53 Geo. 3, c. clxxxiv. as to obstructing Narrow Wall, Lambeth. Power to stop up part of Narrow Wall. Spent.*]

Road to be
stopped up
how to be
disposed of.

3. . . . When and so soon as that part of the said road or way called Narrow Wall, hereinbefore described, shall be stopped up by virtue of the provisions of this Act in respect thereof, that part of the same which will lie on the west side of the intended road from the said bridge to the Obelisk shall be and become vested in his Grace the Archbishop of Canterbury, and shall be thenceforth part and parcel of the possessions of the see of Canterbury, but subject to be occupied by the lessees of the adjoining lands until the expiration of their leases, and that part of the same which shall lie on the south side of so much of the wharf called Hearne's Wharf as lies eastward of the said bridge shall be and become vested in the said Archbishop, and shall be thenceforth part and parcel of the possessions of the said see, but subject as aforesaid, and also with, under, and subject to all such and the same powers and provisions as the same would have been subject to under or by virtue of the said recited Acts or either of them in case the same had been included in the schedule to the said first-recited Act, and that part of the same which shall lie on the site of the said intended road from the said bridge to the Obelisk, and on the south side of the wharf belonging to the Company, formerly the property of Jervoise Clerke Jervoise, shall thenceforth be and become vested in the said Company, and the residue thereof shall be conveyed by the said Company to and become vested in His Royal Highness the Prince of Wales as Duke of Cornwall, and shall thenceforth be part and parcel of the estate of the Duchy of Cornwall called Prince's Meadows, pursuant to the provisions of this Act.

Power to
make a new
road, and
take lands.

4. . . . The said Company of Proprietors shall have full power and authority, by virtue of this Act, to make and construct (in lieu of that part of the said street or way called Narrow Wall by this Act authorized to be stopped up) a road or way of the width of thirty feet and no more, from or from near to a certain road called the Commercial Road, at or near where the said road adjoins the said street or way called Narrow Wall, on the eastern side of the intended road leading from the said bridge to the Obelisk in Saint George's Fields, to or near that part of the said street or way called Narrow Wall, on the western side of the said intended road from the said bridge to the Obelisk aforesaid,

which adjoins or is near to the western part of said house, slaughter-house, and yard in the occupation of Alexander Everard, in manner described and delineated in the map or plan hereinafter mentioned. . . . [*Remainder of section authorizes Company to take lands described in the schedule to this Act for the purposes of this Act and the recited Acts. Spent.*]

5—15. [*Plans showing intended new road to be deposited with the Clerk of the Peace for Surrey—Mistakes in the schedule not to affect the purposes of the Act—Compensation for lands taken—Exchange of lands with the Duchy of Cornwall—Powers to the Duchy to grant leases—Further provisions as to lands to be taken. Power to make an archway over the intended new road. Spent.*]

16—20. [*Tolls and Financial provisions. Spent in part. Remr. superseded 40 & 41 Vict. c. xcix.*]

21. [*Saving rights of certain Commissioners of Sewers. Superseded 11 & 12 Vict. c. 112.* See now 18 & 19 Vict. c. 120, s. 135.*]

22. And whereas the said bridge when completed will be a work of great stability and magnificence, and such works are adapted to transmit to posterity the remembrance of great and glorious achievements : And whereas the said Company are desirous that a designation shall be given to the said bridge which shall be a lasting record of the brilliant and decisive victory achieved by His Majesty's forces, in conjunction with those of his allies, on the eighteenth day of June one thousand eight hundred and fifteen : Be it therefore further enacted, That from and after the passing of this Act the said bridge shall be called and denominated the Waterloo Bridge, and shall cease to be called by the name of the Strand Bridge : and the said Company shall also, from and after the passing of this Act, be called by the name and style of "The Company of Proprietors of the Waterloo Bridge." . . . [*Part omitted gives certain usual Company powers as to purchasing and holding lands in the name of the Company. Superseded 40 & 41 Vict. c. xcix.*]

The bridge to be called "the Waterloo Bridge," and the Company to be styled "The Company of Proprietors of the Waterloo Bridge."

23—26. [*Additional Commissioners appointed ; 49 Geo. 3, c. xcxi. and 53 Geo. 3, c. clxxxiv., and this Act to be construed as one Act, and this Act to be judicially noticed.*]

SCHEDULE. [*Description of lands to be taken. Spent.*]

57 GEORGE III. A.D. 1817.

CHAPTER XXIX.

† AN ACT FOR BETTER PAVING, IMPROVING, AND REGULATING THE STREETS OF THE METROPOLIS, AND REMOVING AND PREVENTING NUISANCES AND OBSTRUCTIONS THEREIN. [16th June 1817.]

[*Preamble.*]

1. This Act and the provisions herein contained shall extend to all streets and public places which are now paved, or which may be hereafter paved, within the cities of London and Westminster and borough of Southwark, and any other parts of the Metropolis which are included within the weekly bills of mortality, and to all

Act to extend to all streets within the Metropolis and the bills of mortality.

* Rep. 38 & 39 Vict. c. 66 (S.L.R.).

† This Act is commonly called "Michael Angelo Taylor's Act," and is extended by 25 & 26 Vict. c. 102, s. 73.

and Pancras
and Mary-
le-bone.

streets and public places which are now paved, or which may be hereafter paved, within the parishes of Saint Pancras and Saint Mary-le-bone in the said county of Middlesex, except only any parts thereof which may be hereinafter particularly excepted.

2—5. [*As to surveyors. Superseded 18 & 19 Vict. c. 126, s. 96.*]

Certain
housekeepers
in any part
of the
Metropolis
may give
notice to
surveyors of
any danger-
ous or very
defective
pavement,
and shall
require the
reparation
thereof.

6. . . . In case any person being the occupier of an inhabited dwelling house, situate in any parish or place also within the jurisdiction of this Act, and rated to the relief of the poor of such parish or place wherein such dwelling house shall be situate, at the sum of fifty pounds at the least, for and in respect of such dwelling house, or in case any two persons being the occupiers of two several inhabited dwelling houses situate in any parish or place, parishes or places also within the jurisdiction of this Act, and each of whom shall be rated to the relief of the poor of such parish or place, parishes or places, wherein such dwelling houses shall be respectively situate, at the sum of twenty-five pounds at the least, for and in respect of their said respective dwelling houses, shall think that the pavement of any street or public place in any parochial or other district within the jurisdiction of this Act, or any part of such pavement, is in a state dangerous to passengers, or so very defective as to occasion serious inconvenience to passengers and carriages, then and in every such case it shall and may be lawful to and for such one person alone, or for such two persons jointly, to prepare a notice, signed with his or their respective hand or hands, setting forth the number of his or their respective dwelling house or dwelling houses, and the street or public place, or streets or public places, wherein such dwelling house or dwelling houses is or are situate, and describing the part of the pavements of any street or public place which he or they consider to be then dangerous to passengers, or so very defective as to occasion serious inconvenience to passengers and carriages, and also requiring the reparation thereof, and to address such notice to any person being a surveyor for the time being of the pavements of and within the parochial or other district wherein the part of any street or public place shall be situate, the pavement whereof shall then be dangerous to passengers, or so very defective as aforesaid, and to give such notice to any such surveyor, or to leave the same for him at the dwelling house or office within such parochial or other district, inscribed on the boards to be from time to time set up by the commissioners or trustees or other persons having the control of the pavements of and within such parochial or other district, pursuant to the directions of this Act.

Surveyors or
commission-
ers shall
cause such
dangerous or
defective
pavement to
be repaired.

7. . . . Every person from time to time hereafter being the surveyor of the pavements of any parochial or other district within the jurisdiction of this Act, to whom shall be given or for whom shall be left a notice, signed and prepared as before directed, of the dangerous or very defective state as aforesaid of any part of the pavement of any street or public place in the parochial or other district in and for which he shall then be a surveyor of pavements, shall forthwith inspect the part of the pavement described in such notice given to or left for him : and if the same or any part thereof shall really be in a state dangerous to passengers, or so very defective as to occasion serious inconvenience to passengers and carriages, and if the costs and charges of and about the repairing of such dangerous or very defective pavement will not exceed the sum of two pounds, he shall cause such pavement to be effectually

repaired within three days after the day whereon such notice shall have been given to or left for him as aforesaid; and if the costs and charges of and about the repairing of such pavement will exceed the sum of two pounds, but will not exceed the sum of ten pounds, then he shall cause such dangerous or very defective pavement to be effectually repaired within seven days after the day whereon such notice shall have been given to or left for him as aforesaid; and in either of such cases, such surveyor may and shall cause such pavements to be so effectually repaired by and of his own authority, and without any order or direction from the commissioners or trustees or other persons having the control of the pavements of the parochial or other district wherein he shall be appointed to act; and the costs and charges of such effectual reparation shall be paid by such commissioners or trustees or other persons having the control of the pavements of the parochial or other district wherein such dangerous or very defective pavement may be situate; but if it shall appear to the said surveyor, upon the inspection of the pavements described in any notice to be given to or left for him as aforesaid, that the same is really in a state dangerous to passengers, or so very defective as to occasion serious inconvenience to passengers and carriages, and that the costs and charges of and about the effectual reparation of such part of the said pavements as may then be in a state dangerous to passengers, or so very defective as to occasion serious inconvenience to passengers and carriages, will exceed the sum of ten pounds, then and in every such case the said surveyor shall deliver a copy of the notice given to or left for him as aforesaid, to the clerk or clerks or other proper officer of the commissioners or trustees or other persons having the control of the pavements of such parochial or other district, within three days after such notice shall have been given to or left for him as aforesaid, and shall in writing require such clerk or clerks, or other proper officer, duly to summon a general meeting of the commissioners or trustees or other persons having the control of the pavements of such parochial or other district, according to the usual custom of such clerk or clerks or other proper officer, or to the directions of the local Act or Acts of Parliament under or by virtue whereof such commissioners or trustees, or other persons having the control of the pavements of and in such parochial or other district, shall be appointed; and that such clerk or clerks, or other proper officer, within two days after he shall receive such notice and requisition from the said surveyor, shall summon or cause to be summoned a general meeting of the said commissioners or trustees, or other persons having the control of the pavements of and in such parochial or other district, to be held within four days then next, for the purpose of considering the notice given to or left for the surveyor appointed by them as aforesaid; and that the said commissioners or trustees, or other persons having the control of the pavements of such parochial or other district, or a sufficient number of them for the transaction of business, according to the provisions of the local Act or Acts of Parliament under or by virtue of which they are or shall be appointed, shall assemble at their usual place of meeting pursuant to such summons, and shall then and there consider such notice so given to or left for the said surveyor of the pavements of such parochial or other district; and if such part of the pavement described in such notice, or any part thereof, shall really be in a state dangerous to passengers, or

so very defective as to occasion serious inconvenience to passengers and carriages, then such commissioners or trustees or other persons shall then and there direct the effectual reparation of such part of the pavements mentioned in the said notice as may be dangerous to passengers, or so very defective as aforesaid, and shall cause the same and every part thereof to be so effectually repaired at their costs and charges, within twenty-eight days then next, if the charges of and about so effectually repairing the same will not in their judgment exceed the sum of fifty pounds, and within six weeks then next if the charges of and about so effectually repairing the same will in their judgment exceed the said sum of fifty pounds.

Justices on neglect may summon surveyors, and order the repair.

8. . . . If at any time or times hereafter the pavement of any street or public place within the jurisdiction of this Act, being in a state dangerous to passengers, or so very defective as to occasion serious inconvenience to passengers and carriages, whereof a notice, prepared and signed as hereinbefore is directed, shall have been given to or left for any person being a surveyor of the pavements of the parochial or other district wherein the pavement so dangerous to passengers, or so very defective as aforesaid, may be situate, shall not be sufficiently repaired within the times hereinbefore appointed for the reparation thereof, (that is to say) within three days from the day whereon the said notice shall have been given or left as aforesaid, if the costs and charges of and about such repair would not exceed the sum of two pounds, and within seven days from the day whereon the said notice shall have been given or left as aforesaid, if the costs and charges of and about such repair would not exceed the sum of ten pounds, and within twenty-eight days from the day whereon the said notice shall have been given or left as aforesaid, if the costs and charges of and about such repair would not exceed the sum of fifty pounds, and within six weeks next after the said notice shall have been given or left as aforesaid, if the costs and charges of and about such repair would exceed the sum of fifty pounds, then it shall and may be lawful to and for the person or persons by whom any notice signed as hereinbefore is directed shall have been given or left as aforesaid, to apply and complain to any two Justices of the Peace acting for the city, borough, or county wherein the pavement of the street or public place described in the notice so given or left as aforesaid shall be situate, and that upon proof upon oath, by one or more credible witness or witnesses, that a notice, prepared and signed as hereinbefore is directed, had been given to or left for a person appointed and notified to be a surveyor of the pavements of such parochial or other district wherein the pavement described in such notice may be situate, and according to the directions of this Act, and that the part of the pavements in any street or public place described in such notice, and being in a state dangerous to passengers, or so very defective as to occasion serious inconvenience to passengers and carriages, had not been sufficiently repaired within the time hereinbefore limited by this Act, according to the costs and charges which must be incurred in and about such reparation; then such Justices of the Peace, by a summons under their hands, shall require the said person, being appointed and notified to be a surveyor of the pavements for the parochial or other district wherein the pavement of any street or public place dangerous to passengers, or so very defective as aforesaid, shall be situate, to or for whom the said notice, prepared and signed as aforesaid, shall have been given or left, according to the

directions of this Act, to appear before them the said Justices, at a place and time to be mentioned in such summons (and the time being twenty-four hours at the least after the said summons shall have been given to the said surveyor, or shall have been left for him at his dwelling house or office within the parochial or other district the pavement whereof he shall be appointed to survey, inscribed on the boards hereinbefore directed to be set up in every parochial and other district within the jurisdiction of this Act), and then and there to show cause why the pavement described in the said notice hath not been sufficiently repaired according to such notice within the times hereinbefore by this Act limited, according to the expense which must be incurred in and about such repair; and that if the said surveyor, or some person authorized by him, shall not attend before the said Justices at the time and place mentioned in such summons, or if he or such other person authorized by him shall then and there attend, and shall not show to them the said Justices a sufficient cause or sufficient causes why the said pavement described in the said notice given to or left for the said surveyor as hereinbefore is directed, and every part thereof, have not been sufficiently repaired according to such notice, then and upon proof upon oath by two or more credible witnesses that the pavement described in the said notice is then dangerous to passengers, or so very defective as aforesaid, and that the same is situate within the parochial or other district for which the said surveyor shall have been appointed and notified as appointed to act, it shall and may be lawful to and for the said Justices, by order under their hands and seals, to order and direct that the said surveyor shall pay to the person or persons by whom the said notice shall have been signed as aforesaid, such sum of money as he or they shall have legally expended for the costs and charges of such summons and order, and which said sum of money so by the said Justices ordered to be paid by the said surveyor shall and may be recovered in the same manner in which any other forfeitures and penalties are hereinafter directed to be recovered by virtue of this Act; and the said Justices shall also then and there, by an order under their hands and seals, order the said surveyor to sufficiently repair or cause to be repaired all the pavements described in the said notice being in a state dangerous to passengers, or so very defective as aforesaid, and being in the parochial or other district wherein he the said surveyor shall have been appointed to act as surveyor of the pavement, within three days then next if the costs and charges of and about such repair will not exceed the sum of two pounds, and within seven days then next if the costs and charges of and about the said repair will not exceed the sum of ten pounds, and within twenty-eight days then next if the costs and charges of and about such repair will exceed the sum of ten pounds but will not exceed the sum of fifty pounds, and within six weeks then next if the costs and charges of and about such repair will exceed the sum of fifty pounds; and the said order of the said two Justices of the Peace, within twenty-four hours after the same shall be made, shall be given to the said surveyor, or left for him at his dwelling house or office within the parish or other district the pavement whereof he shall be appointed to survey, inscribed on the said boards hereinbefore directed to be set up, and shall be obeyed and performed by him; and he the said surveyor shall sufficiently repair the said pavements, or cause the same to be sufficiently repaired, within the

time to be directed by the said order, at the costs and charges of the commissioners or trustees or other persons having the control of the pavements of that parochial or other district wherein the pavements shall be situate which by such order shall be so ordered to be repaired; but if the said surveyor, or any person authorized by him, shall attend before the said Justices at the time and place mentioned in such summons, and shall show to the said Justices that such notice was not prepared and signed and given or left according to the directions of this Act, or that the pavement described in such notice was not in a state dangerous to passengers, or was not in a state so very defective as to occasion serious inconvenience to passengers and carriages, either at the time of the delivery of such notice, or at the time of the application of the person or persons signing such notice to such Justices, or shall then and there show to such Justices such other cause or causes as they shall deem sufficient why the said pavements have not been repaired according to such notice, then and in any or either of the said cases the said Justices shall dismiss the said complaint of the person or persons by whom the said notice shall have been signed as aforesaid, and by an order under their hands and seals shall declare that such person or persons having signed the said notice, and having made the application and complaint to them the said Justices, hath or have forfeited the sum of forty shillings, and shall direct the same sum of forty shillings to be paid by him or them to the said surveyor or other person authorized by him, then attending before the said Justices, for his own use and benefit; and such sum of forty shillings so forfeited shall be recovered in the manner in which other forfeitures and penalties are hereinafter directed to be recovered by virtue of this Act: Provided always, and be it hereby also enacted, that if it shall appear to the said Justices of the Peace that the costs and charges of and about the repair of any pavement so by them ordered to be repaired as aforesaid will exceed the sum of fifty pounds, or that such reparation cannot be probably completed within six weeks then next, then and in such case, or under any other special circumstances, it shall and may be lawful to and for the said Justices to extend any of the times for completing the repair of any such pavement to some other time beyond the period of six weeks, or beyond the other periods mentioned by this Act, at their discretion, and so that such repair be completed with all the expedition which the extent of such repair and such special circumstances in the judgment of the said Justices of the Peace, will permit.

Surveyors neglecting to attend on Justices, or disobeying their orders, shall be fined; and shall be disqualified on a third offence.

9. . . . If any person from time to time hereafter, being the surveyor of the pavements of any parochial or other district within the jurisdiction of this Act, and being summoned by any two Justices of the Peace as hereinbefore is directed, shall refuse or neglect, either personally or by some person authorized by him to attend before such Justices at the time and place to be mentioned in such summons, or shall refuse or neglect to perform and obey any order which may be legally made by such two Justices of the Peace, under their hands and seals, as hereinbefore is directed, and which shall direct, according to the provisions of this Act, the reparation of any pavements dangerous to any passengers, or so very defective as to occasion serious inconvenience to passengers and carriages in any streets or public places within the parochial or other district for which he shall be appointed to act as a surveyor of the pavements, and to perform and obey the same within the time specified therein

(he having notice thereof as hereinbefore is directed, and not being prevented from the observance and performance of such order by frost or other unavoidable circumstances, or by the neglect or proceedings of any water or gas company, or commissioners of sewers), then and in such case the said person being the surveyor as aforesaid shall forfeit and pay for such refusal or neglect any sum not exceeding ten pounds for the first offence, and a sum not exceeding twenty pounds for the second offence, and a sum not exceeding thirty pounds for every third offence, to be recovered in such manner as other penalties or forfeitures are by this Act herein-after directed to be recovered, and to be paid, when recovered, to the churchwardens or overseers of the poor of the parish or district wherein any such dangerous or defective pavement shall be situate, and to be by them applied to and for the use of the poor of such parish or district, and in aid of the rates for the relief of the poor of such parish or district, and to no other person or persons and for no other use or purpose whatsoever; and such person who shall be guilty of such third offence shall thereafter become disqualified from acting in the said office of a surveyor of the pavements in the same or in any other parochial or other district within the jurisdiction of this Act, and from being reappointed or appointed thereto, and from acting therein, either gratuitously or otherwise, or under any pretence whatsoever, unless he shall so act under the direction and by the command of the commissioners, trustees, or other persons by whom he shall have been appointed: Provided always, that all costs, charges, and expenses which such person, being the surveyor of the pavements of any parochial or other district, shall incur or expend in and about the observance and performance of any such order made by the said two Justices of the Peace as aforesaid for the reparation of the pavements in such parochial or other district, being dangerous to passengers or very defective as aforesaid, as hereinbefore is directed, or which he shall incur or be put unto in consequence of his refusal or neglect to perform and obey any such order by the directions in writing of the commissioners or trustees or other persons having the control of the pavements of the parochial or other district for which he may be appointed to act, shall be forthwith paid or reimbursed to him by such commissioners or trustees or other persons, out of the monies which they shall then possess, or shall first thereafter receive, by virtue or on account of any rates or assessments thentofore or thereafter made, for and towards the expenses of the paving or reparation of the pavement of such parochial or other district, or otherwise, by virtue of any local Act or Acts of Parliament, or by virtue of this Act.

10. [*Notice of the appointment of surveyor to be given to water and gas companies and commissioners of sewers. Superseded 18 & 19 Vict. c. 120, s. 96.*]

11—12. [*Breaking up streets by gas and water companies, commissioners of sewers, etc. Superseded 18 & 19 Vict. c. 120, s. 109.*]

13. . . . It shall and may be lawful to and for any person appointed to act as a surveyor of the pavements in any parochial or other district within the jurisdiction of this Act, and to and for any other person or persons appointed by the commissioners or trustees, or other persons having the control of the pavements of any such parochial or other district, when he shall be directed so to do by the commissioners or trustees or other persons by whom he or they shall be appointed to

Plans of pipes and sewers may be examined by surveyors of pavement.

act, from time to time and at any times between the hours of ten of the clock in the forenoon and of four of the clock in the afternoon of any day not being a Sunday or holiday appointed by law, at the office or counting-house of any water or gas light company, any of whose pipes for the conveyance of water or of inflammable air or gas shall then be laid beneath the surface of any of the streets or public places within each of such parochial or other districts, the pavements whereof shall be under the control of such several commissioners or trustees, or other persons, or for which any such surveyor shall be appointed to act, and at the office of any commissioners of sewers then having jurisdiction over the common and public drains and sewers within every such parochial or other district, to examine and inspect any and every map or plan, or draft or survey, or delineation or description of all and every the main of pipes and pipes belonging to any of such water or gas light companies, then possessed by them, or being in their custody or power, and any and every map or plan, or draft or survey, delineation or description, of the common or public drains or sewers being within such parochial or other district, and under the jurisdiction of such commissioners of sewers, then possessed by them, or being in their custody or power, he such surveyor for the time being, or such other person or persons appointed by the said commissioners or trustees, or other persons having the control of the pavements in any such parochial or other district, having given to a clerk or secretary of any such company or commissioners of sewers, or having left at the office or counting-house of such company or commissioners of sewers, two days previous notice in writing of his or their intention to attend at the office or counting-house of such companies or commissioners of sewers, for the purpose aforesaid; and that the secretary or clerk, or some other officer of such company or commissioners of sewers, shall then and there produce and show, or cause to be produced and shown, unto such surveyor or other person or persons, all and every the maps, plans, drafts, surveys, delineations, and descriptions aforesaid, in the custody or power of the said company or commissioners of sewers, and shall permit him or them then and there to take extracts therefrom, or copies thereof, or of and from any of them, or any part of any of them so far as may relate to the mains of pipes or pipes, and to the public or common sewers or drains which shall be laid or be beneath the surface of the streets or public places within the parochial or other district for which such surveyor of pavements, or other person or persons appointed by any such commissioners or trustees, or other persons having the control of pavements, shall be deputed or directed to act.

14. . . . All and every the secretaries or clerks, surveyors or inspectors, and the several and respective turncocks employed or appointed, or hereafter being employed or appointed by all and every the water and gas light companies, any of whose pipes shall be laid beneath the surface of any street or public place in any parochial or other district within the jurisdiction of this Act, and also all and every the clerk and clerks, secretary and secretaries appointed or being hereafter appointed by any commissioners of sewers whose jurisdiction shall extend over the common or public drains or sewers within every such parochial or other district, within forty days next after the passing of this Act, or within the space of five days next after he or they shall be hereafter severally appointed to such several offices, situations, or employments, shall give notice in writing to

Officers of companies, etc. to notify their names and places of abode to surveyors of pavements.

each and every of the clerk or clerks to the commissioners or trustees, or other persons having the control of the pavements, or to the surveyor and surveyors of the pavements of each parochial or other district, beneath the surface of the streets or public places wherein the mains or pipes of such company, or any of them, shall be laid, or there shall be any common or public drains or sewers within the jurisdiction of such commissioners of sewers, of his, their, and every of their Christian and surnames and place or places of abode, and of the company or commissioners of sewers, by whom he or they is or are, or hath or have been so appointed or employed, and also of the place which is appointed as the office or counting-house of the said company or commissioners of sewers; and that in case any such person or persons shall neglect to give such notice within the respective times aforesaid, every such person or persons so offending in either of the said cases shall forfeit and pay the sum of ten pounds, to be recovered in the same manner in which other penalties and forfeitures are hereafter directed to be recovered by virtue of this Act.

15. . . . When and so often as it shall appear to any person appointed to act as a surveyor of pavements in any parochial or other district within the jurisdiction of this Act, that any pipe or pipes, stopcock, plug, or other thing belonging to any water or gas light company, or that any public sewer beneath the surface of the pavement of any street or public place within such parochial or other district, be broken or damaged, it shall be lawful for such surveyor, and he is hereby required to give immediate notice, signed by himself, to the company or commissioners of sewers to whom it may appear to him that such pipe or stopcock, plug, or other thing, or sewer, doth or may belong, by either giving such notice to a clerk or secretary, or to a turncock of such company, or to a clerk or secretary of such commissioners of sewers, or to some or one of them, or by leaving the same at the place or places of abode of some or one of them, or at the office or counting-house of such company or commissioners of sewers, and shall require that such pipe, stopcock, plug, or other thing, or sewer, be examined, and, if needful, that such pipe, stopcock, plug, or other thing be repaired, altered, amended, or renewed, and such sewer be repaired by such company, or commissioners of sewers; and that within forty-eight hours after such notice shall be so given or left as aforesaid, the said company or commissioners of sewers, to or for whom, or to or for whose officer or servant such notice shall have been given or left as aforesaid, shall cause to be taken up the pavement of the street or public place beneath which the pipe, stopcock, plug, or other defective thing, or sewer, shall be, and shall cause the ground to be opened, and shall also cause the said pipe, stopcock, plug, or other thing to be substantially repaired, altered, amended, or renewed, or the said sewer to be examined, and, if necessary, to be substantially repaired, and the ground properly filled in with hard rubbish or other good materials, and rammed down, within forty-eight hours next after such notice shall be given or left as aforesaid, or with all convenient expedition, in the judgment of the commissioners, trustees, or other persons having the control of the pavements in the parochial or other district wherein such pavement, street, or public place shall be situate, and to their satisfaction, or the satisfaction of any three or more of them; and also within twelve hours after such pipe, stopcock, plug, or other thing shall be so substantially repaired, altered, amended, or renewed,

Surveyor may require repair of pipes and drains when defective.

Notice to be given to repair them.

Penalty on company to whom the pipes belong for not repairing them, and giving notice thereof to the pavior ;

or such sewer shall be so substantially repaired, and the ground above the same shall be so filled in and rammed down, the said company or commissioners of sewers shall cause notice thereof, signed by the clerk or secretary to such company or commissioners of sewers, to be given to the said surveyor of pavements, or to the pavior or paviors or other persons then employed or appointed by the commissioners or trustees, or other persons having the control of the pavements in such parochial or other district, to pave and repair the pavements within such parochial or other district, as the said commissioners or trustees or other persons for the time being may from time to time direct, that such examination, and, if necessary, such reparation, alteration, amendment, or renewal, hath been made pursuant to such notice of the surveyor of pavements, and that the ground hath been refilled and rammed down, that the pavement in such street or public place may be forthwith relaid in the manner directed by this Act : and in case the water or gas company, or commissioners of sewers, to or for whom such notice of the surveyor of pavements shall have been given or left as aforesaid, and to whom such pipe, stopcock, plug, or other thing, or sewer, referred to in such notice shall belong, shall neglect to cause the same to be repaired, altered or amended, or renewed, as the case may be, and the ground to be filled in and rammed down to the satisfaction of the said commissioners, trustees, or other persons having the control of the pavements in such parochial or other district, or any three or more of them, within the time hereinbefore limited and appointed for those purposes, or shall neglect to give or cause to be given notice thereof as aforesaid to the said surveyor of the pavements, or to the pavior or paviors, or other persons employed or appointed by the commissioners or trustees, or other persons having the control of the pavements in such parochial or other district, to pave and repair the pavement within such parochial or other district : then the said company or commissioners of sewers shall for the first neglect and offence forfeit and pay the sum of five pounds, and for the second neglect and offence shall forfeit and shall pay the sum of eight pounds, and for the third and every subsequent neglect and offence shall forfeit and shall pay the sum of ten pounds, to be recovered in the same manner in which other penalties and forfeitures are directed to be recovered by virtue of this Act.

and if such request should not be made to the proper parties, subsequent information shall be given to them.

16. Provided always, . . . that in case it shall happen and it shall be discovered, after any pavement in any street or public place shall have been taken up, and the ground shall have been opened, that any pipe, stopcock, plug, or other thing, beneath the surface of the pavement of any street or public place, which shall have appeared to any surveyor of pavements to require to be repaired, altered, amended, or renewed, shall not belong to the water or gas company to or for whom such notice for the reparation, alteration, amendment, or renewal thereof as aforesaid shall have been given or left as is hereinbefore directed by the said surveyor, but to some other water or gas company, or to some other persons, then such company to or for whom the said notice of the said surveyor of pavements shall have been given or left, within twenty-four hours after the notice from the said surveyor of pavements shall have been given or left as aforesaid, shall cause a notice signed by the secretary or clerk, to be given in the same manner hereinbefore directed as to the service of the original notice to the company or other persons to whom the pipe, stopcock, plug, or other thing shall appear to belong, which

did appear to the said surveyor of pavements to require reparation, alteration, amendment, or renewal, and shall thereby require them to obey and perform and comply with the said original notice from the said surveyor of pavements, instead of the company to whom such original notice had been given; and that such company or other persons to whom such pipe, stopcock, plug, or other thing, shall belong, shall reimburse and pay on demand to the first-mentioned company to or for whom the original notice may have been given or left, the reasonable costs and charges which they shall have incurred in and about taking up the pavements and opening the ground, and shall obey, execute, and perform the said original notice of the said surveyor, and the directions of this Act relating thereto, in such and the same manner, and within such and the same time, in all respects, as if the said original notice from the said surveyor had been given to them; and they shall be liable to and shall incur the same penalties and forfeitures on neglect so to do, as they ought to have done, or would have been liable to, and would have incurred, if the said original notice had been given to them in manner before directed; and that the company by whom the pavements shall be first taken up and the ground shall be opened, who shall neglect to give the notices hereby required to the company to whom the pipe, stopcock, plug, or other thing, which shall appear to the surveyor of the pavements to require reparation, alteration, amendment or renewal, shall appear to belong, in manner hereinbefore directed, shall for the first neglect and offence forfeit and pay the sum of five pounds, and for the second neglect and offence shall forfeit and shall pay the sum of eight pounds, and for the third and every subsequent neglect and offence shall forfeit and pay the sum of ten pounds, to be recovered in the same manner in which other penalties and forfeitures are hereinafter directed to be recovered by virtue of this Act.

17. . . . Whenever after the passing of this Act any water or gas light company, or commissioners of sewers, pursuant to the provisions hereinbefore contained, shall take up or cause to be taken up any pavement of any street or public place in any parochial or other district within the jurisdiction of this Act, or shall place in any street or public place, any pipes, or other materials and things, for the purpose of executing any works beneath the surface of any street or public place, or otherwise, all and every such works shall be executed and completed within such reasonable time as the commissioners or trustees, or any other persons having the control of the pavements of the streets and public places in such parochial or other district, or any three or more of them, shall from time to time and at any time direct and appoint; and also, that all such pipes or other materials and things shall be and remain on the surface of any such street or public place, and of any streets and public places in any parochial or other district, for no longer period than shall be unavoidably necessary in the judgment of the said commissioners or trustees, or other persons having the control of the pavements in such parochial or other district, or any three or more of them: and also that the same pipes or other materials and things shall be from time to time and at all times removed and taken away off and from the surface of any and every street or public place by the water or gas light company, or commissioners of sewers, or by the officers or servants of the company, or commissioners of sewers, by whom or by whose order, or by whose officers or servants, or for whose

Repairs and works by companies, etc. to be executed with all convenient expedition.

offices or works, all or any such pipes or other materials or things shall have been brought to and placed on the surface of such streets or public places, or any of them, and at their costs and charges, within forty-eight hours after such company or commissioners of sewers shall have been required to remove and take away the same by the commissioners or trustees, or other persons having the control of the pavements in any such parochial or other district, or any three or more of them, by a notice signed by three or more of such commissioners or trustees or other persons, and given to such company or commissioners of sewers, or left for them at the dwelling house or place of abode of any secretary or clerk or turn-cock employed by such company, or of a clerk or secretary to such commissioners of sewers, or at the office or counting house of such company or commissioners of sewers; and that in case any company or commissioners of sewers shall at any time or times neglect to comply with any and every such notice, and to obey all and every the directions which the said Commissioners or Trustees or other persons having the control of the pavements in any parochial or other district, or any of them, are by this Act authorized and empowered to give, then and in every or any such case such company or commissioners of sewers shall for the first neglect and offence forfeit and shall pay the sum of five pounds, and for the second neglect and offence shall forfeit and shall pay the sum of eight pounds, and for the third and every subsequent neglect and offence shall forfeit and pay the sum of ten pounds, to be recovered in the same manner in which other penalties and forfeitures are directed to be recovered by virtue of this Act.

Rubbish and obstructions occasioned in streets by the repairs of pipes, etc. to be speedily removed.

18. . . . All dirt, gravel, filth, rubbish, and other things, which any time or times after the passing of this Act, shall be placed, collected, or occasioned by or by means of any water or gas light company, or commissioners of sewers, or of any repairs or others works executed and performed or intended to be executed and performed by their officers or servants, or by their orders or directions, or on their account, in any streets or public places in any parochial or other district within the jurisdiction of this Act, by the taking up of the pavement of such streets or public places, or any of them, or by opening the ground beneath the surface of such streets or public places, or by the execution of the works of any water or gas light company or otherwise, or which shall be in anywise consequent thereon or incidental thereto, in the judgment of the commissioners or trustees or other persons having the control of the pavements of the streets and public places in any such parochial or other district, or any three or more of them, shall be from time to time and at all times collected and removed and carried away, by or at the cost and charges of such company or commissioners of sewers, with all practicable expedition, and to the satisfaction of such commissioners or trustees or other persons having the control of the pavements in such parochial or other district, or any three or more of them; and that such company or commissioners of sewers shall especially so do whenever they shall be required so to do by any notice from such commissioners or trustees or other persons having the control of the pavements in such parochial or other district, or any three of them, or from any surveyor of the pavements appointed by them, signed by them or him, and given to such company or commissioners of sewers, or left for them at the dwelling house or place of abode of any secretary or clerk or

turncock employed by such company or commissioners of sewers, or at any office or counting house of such company, or of any clerk or secretary to any such commissioners of sewers; and that in case any such company or commissioners of sewers shall neglect to collect, carry away, and remove, or cause to be collected, carried away, and removed, from all and every such streets and public places, all such dirt, gravel, filth, rubbish, and other things whatsoever, within twenty-four hours after any such notice shall be from time to time given or left as aforesaid, to the satisfaction of such commissioners or trustees, or other persons by whom any such notice shall be signed, then the said company or commissioners of sewers shall for every such neglect and offence forfeit and shall pay the sum of five pounds, to be recovered and applied in the same manner in which other penalties and forfeitures are hereinafter directed to be recovered and applied by virtue of this Act.

19. [*Bars, watchmen, and other securities are to be provided during repairs of pavements, to prevent accidents. Superseded 18 & 19 Vict. c. 120, ss. 110 & 111.*]

20. . . . In case at any time or times hereafter any pavement in any streets or public places in any parochial or other district within the jurisdiction of this Act shall, by the breaking or falling-in or decay of any sewer or drain, cesspool or watercourse, or any pipe or pipes, stopcock, plug, or other thing, become broken or irregular so as to be dangerous or hazardous to passengers or carriages, it shall and may be lawful to and for any surveyor of the pavements for any such parochial or other district to cause and direct such part of the pavements of any streets or public places as he shall deem so dangerous or hazardous to be forthwith inclosed, in such manner, by such persons, and with such materials as he may direct, and as may be needful to prevent such danger and hazard to passengers or carriages; and that the costs and charges incurred thereabouts shall be ascertained and determined by him, and shall be paid and discharged by the commissioners of sewers, water or gas company, or other person or persons to whom the sewer or drain, cesspool or watercourse, pipe or pipes, stopcock, plug, or other thing so broken, fallen in, or decayed, and by the breach, falling-in, or decay whereof such breach or irregularity of the pavements as aforesaid may have been occasioned, and shall and may be certified to them or him, and be paid by them or him within the time, and shall and may be recovered from them or him in such and the same manner as is by this Act directed, limited, and authorized as to any monies to become due from any persons whomsoever for the costs and charges of repairing or paving or repaving any pavements of any streets or public places by the commissioners or trustees or other person having the control of the pavements in any streets or public places in any parochial or other district within the jurisdiction of this Act.

Breaches in the pavement may be inclosed.

21. . . . No water company whose mains or pipes shall be laid beneath the surface of any street or public place in any parochial or other district within the jurisdiction of this Act, shall place or set up, or cause to be placed or set up, any stand cock or pump, or other instrument, machine, or thing, for the supply of water in times of frost or otherwise, in any public street or place within the jurisdiction of this Act, which shall be furnished with any other than a metal cock and spout, to be to the satisfaction of the surveyor of the pavements for such parochial or other district for the time

Stand cocks placed during frosts regulated.

being; and that any water company who shall set up or cause to be set up any other stand cock, pump, or other instrument, machine, or thing, furnished with any other than a metal cock and spout, in any street or public place, and which shall not be to the satisfaction of the surveyor of the pavements for such parochial or other district, shall forfeit and shall pay for every such offence the sum of twenty shillings, to be recovered in the same manner in which other penalties and forfeitures are hereinafter directed to be recovered by virtue of this Act.

Works neglected by companies, etc. may be executed by surveyors of pavements.

22. . . . In case any water or gas light company or commissioners of sewers, at any time or times after the passing of this Act, shall neglect to take up the pavement in any street or public place in any parochial or other district within the jurisdiction of this Act; or to open any ground beneath the surface of such street or public place; or substantially to repair, alter, amend, or renew any pipe, plug, stopcock, or other thing, or any public sewer, as the case may be; or to give the notices required by this Act to any other company, or to any paviors, surveyors of pavements, or other persons; or to remove or take away any pipes or other materials or things from any street or public place; or to collect and carry away or remove all dirt, gravel, filth, rubbish, and other things, from any street or public place; or to place and continue posts, rails, bars, or ropes, lanthorns and watchmen, in any street or public place; or to do and execute all and every such works and things, and all or any other works and things directed and required by this Act to be done and executed by any such company or commissioners of sewers, and pursuant to any notice given or left as herein directed by any commissioners or trustees, or other persons having the control of the pavements in the streets or public places within any parochial or other district within the jurisdiction of this Act, or by the surveyors of pavements, or other officers or persons appointed by them or otherwise, and to their respective satisfaction, and within the several times and periods specified and directed by this Act; then and in every or any of such cases, and at all times afterwards, it shall and may be lawful to and for any surveyor of the pavement of the parochial or other district wherein the street or public place shall be situate as to which any such neglect shall occur, and all and every such surveyors are hereby empowered and required, forthwith to cause all and every such several works, matters, and things which shall not be executed and performed by every such company or commissioners of sewers, or which shall not be well, substantially, and effectually executed and performed to his or their satisfaction, or to the satisfaction of the commissioners or trustees, or other persons by whom he or they shall be appointed, within the times and periods limited by this Act to be well and effectually performed to his or their satisfaction, or to the satisfaction of such commissioners or trustees, or other persons as aforesaid, as herein provided, at the costs and charges of such company or commissioners of sewers who shall have so neglected well, substantially, and effectually to perform and execute the same, and every of them, and every part thereof; and that such costs and charges and every of them shall be reimbursed and paid by any and every such company or commissioners of sewers to such surveyor or surveyors of pavements, or to the person or persons employed by him or them to perform and execute any or every of such works, or to the commissioners or trustees, or other persons having the control of the

pavements of the parochial or other district within which such works shall be performed and executed, or to their treasurer, or to such other person or persons as such commissioners or trustees or other persons shall from time to time appoint to receive the same: and that the amount of such costs and charges, and of the monies so to be paid, being directed by the said commissioners or trustees or other persons, shall be ascertained and notified, and certified and recovered (over and above all and every the penalties and forfeitures which may be incurred for any such neglect by virtue of this Act) in the same manner in which any costs and charges which may be incurred, and any monies which may become due, for and about and in respect of the relaying or repairing of any pavements hereafter broken or taken up in any streets or public places by or by the direction or on account of any company, commissioners of sewers, or other persons, are to be ascertained and notified and certified, and may be recovered by virtue of this Act.

23. [*Pavements taken up by companies, &c. to be relaid by commissioners of pavements. Superseded 18 & 19 Vict. c. 120, ss. 110 & 114; and 25 & 26 Vict. c. 102, s. 82.*]

24—30. [*Rating for purposes of Act. Superseded 62 & 63 Vict. c. 14, s. 10.*]

31. . . . Every rate or assessment which at any time or times hereafter shall be made, laid or assessed by virtue of this Act or by virtue of any local Act or Acts of Parliament, for or towards the paying or repairing the pavements of the streets or public places in any parochial or other district within the jurisdiction of this Act, and either exclusively or jointly with or for any other objects or purposes, for or in respect of any messuage or hereditament which any ambassador, envoy, resident agent, or other public minister of any foreign prince or state, or the servant of any such ambassador, envoy, resident agent, or other public minister, or any other person who may not be liable by law to pay such rate or assessment, now doth or hereafter shall inhabit, shall be paid by and recoverable from the landlord or owner of every such messuage or hereditament who shall be liable and compellable to the payment thereof: and the same shall be recovered from such landlord or owner in such and the same manner as the other rates or assessments made by virtue of this Act, or by virtue of any local Acts or Acts of Parliament, for or towards the paving or repairing the pavements of the streets or public places in any parochial or other district within the jurisdiction of this Act, either exclusively or jointly with or for any other object or purposes, may be recovered from any other owner or occupier of any messuages or hereditaments, either by virtue of this Act or of any such local Act or Acts.

Rates of premises let to ambassadors payable by landlords.

32. [*Empty houses how rateable. Superseded 62 & 63 Vict. c. 14, s. 10.*]

33. [*Rates may be recovered for small houses let at small rents, or to weekly or monthly lodgers. Superseded by the Poor Rate Assessment and Collection Act 1869, s. 3.**]

34. Provided always, . . . that nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void any agreement made between any landlord and tenant, in any lease now granted or hereafter to be granted, pursuant to any contract or

Agreements between landlords and tenants not to be impeached.

* See Appendix.

agreement now existing : anything in this Act contained to the contrary thereof notwithstanding.

35—51. [*Levy and recovery of rates. Superseded 62 & 63 Vict. c. 14, s. 10.*]

52. [*Commissioners, etc. may pave streets within their districts, paving materials being vested in them. Superseded 18 & 19 Vict. c. 120, ss. 98 & 105 : 25 & 26 Vict. c. 102, ss. 77, 80 & 81 ; and 53 & 54 Vict. c. 54, s. 1.*]

Pavements
not to be
removed
without per-
mission.

53. . . . No person or persons shall take or break up, or cause to be taken or broken up, any pavement in any street or public place in any parochial or other district within the jurisdiction of this Act, or make any alteration therein, under any pretence whatsoever, without the consent of the commissioners or trustees, or other persons having the control of the pavements in such parochial or other district, or their surveyor or surveyors of the pavements for the time being, first obtained and certified under the hand or hands of their clerk or clerks, or surveyor or surveyors for the time being ; and that all and every person and persons to whom such consent shall be granted shall be subject and liable to all the provisions in this Act contained in respect to the water and gaslight companies and the commissioners of sewers, as to the reparation of the pavements, and as to the removal of all rubbish and other obstructions, and as to the provision of bars, watchmen, and other securities, and to all penalties by this Act imposed on the breach of any of such provisions respectively, and to such other conditions and regulations as the said commissioners or trustees, or other persons consenting as aforesaid, shall stipulate and direct, and shall obey and perform the same and every of them ; and that in case any person or persons (except water and gaslight companies and the commissioners of sewers, and who are to conform to the particular provisions of this Act relating to them,) shall take or break up, or cause to be taken or broken up, or shall wilfully damage any pavement in any streets or public places, or shall make or cause to be made any alteration therein, without such consent as aforesaid, certified as aforesaid, then any and every such person or persons in every such case so offending shall for each and every such offence forfeit and pay a sum not being less than five pounds nor exceeding ten pounds, and also for each and every square foot of such pavement exceeding one foot so taken or broken up or altered, or so wilfully damaged, shall forfeit and pay any sum not being less than five pounds nor exceeding ten pounds, to be recovered in the same manner in which other penalties and forfeitures are hereinafter directed to be recovered by virtue of this Act. [*See also 18 & 19 Vict. c. 120, s. 109.*]

54—56. [*Surrey and repair of pavements, sewers, and grates. Note to s. 52 supra applies.*]

Private drains
also to be
cleansed.

57. . . . Whenever from time to time or at any time hereafter it shall appear to the commissioners or trustees, or other persons having the control of the pavements of the streets and public places in any parochial or other district within the jurisdiction of this Act, or to any two or more of them, or to their surveyor or surveyors for the time being, or any of them, that any private drain, sewer, . . . gutter, or watercourse, running beneath or above or communicating with any other drain or sewer beneath any of the pavements of any of the streets or public places in any such parochial or other district, doth require to be repaired, amended, altered, emptied, or cleansed,

it shall and may be lawful to and for the said commissioners or trustees, or other persons having the control of such pavements as aforesaid, or any two or more of them, or their surveyor or surveyors as aforesaid for the time being, or any of them, to give or cause to be given a notice or notices under their hands, or under the hand or hands of such surveyor or surveyors of pavements for the time being, to or for the owner or owners or for the occupier or occupiers of all or any messuages, houses, lands, or other hereditaments, to whom such drain, sewer, . . . gutter, or watercourse shall belong, or by whom the same shall be used or enjoyed, or from whose messuages, houses, lands, or hereditaments any such drain, sewer, gutter, or watercourse shall proceed or flow, or wherewith the same . . . shall communicate, well and sufficiently to repair, amend, alter, empty, or cleanse the same and every part thereof; and in case any such owner or owners, occupier or occupiers, within three days after any such notice shall be given or left as aforesaid, shall not well and effectually repair, amend, alter, empty, or cleanse any such drain or sewer and every part thereof, pursuant to such notice, and to the satisfaction of the said commissioners or trustees, or other persons as aforesaid, or of their surveyor or surveyors for the time being, then it shall and may be lawful to and for the said commissioners or trustees, or other persons as aforesaid, or for their surveyor or surveyors for the time being, to direct such drain, sewer, . . . gutter, or watercourse to be repaired, amended, altered, emptied, or cleansed with such materials and in such manner as they or he may direct, and by such person or persons as they or he may from time to time appoint, and that the amount of the charges and expenses incurred thereabouts, and also of taking up, relaying, or repairing any pavements in any streets or public places which may for those purposes or any of them be taken up, shall be ascertained and determined by such surveyor or surveyors of pavements as aforesaid, and shall be certified by him or them to such owner or owners, occupier or occupiers, and shall be paid by him or them within the same time, and may be recovered, with the same penalties in case of nonpayment, in such and the same manner, and by such and the same proceedings, as are by this Act authorized and directed for the ascertaining and determining, certifying and recovering any monies to become due and to be recovered from any persons whomsoever, for the costs and charges of repairing or paving or repaving any pavements of any streets or public places by the commissioners or trustees or other persons having the control of the pavements in any streets or public places in any parochial or other district within the jurisdiction of this Act. [*Parts omitted (as to cesspools) rep. 54 & 55 Vict. c. 76, s. 142.*]

58. . . . The said commissioners or trustees, or other persons having the control of the pavements of the streets and public places in any parochial or other district within the jurisdiction of this Act, may cause posts of wood, stone, or iron to be set up near or adjoining the foot pavements in such part or parts of all or any of the streets or public places within their respective parochial or other districts as they shall judge necessary, and also shall and may set up posts and rails near or adjoining to any vacant ground, or other exposed or dangerous place, abutting upon or adjoining to any of the streets or public places in such parochial or other district, in case they shall think proper so to do, for preventing accidents or casualties; and if any person or persons shall wilfully or carelessly knock down, break,

Posts may be erected for the preservation of the pavements and prevention of accidents

damage, or injure such posts or rails, or any of them, every person so offending shall for every such offence forfeit and pay any sum not being less than forty shillings nor exceeding ten pounds, and shall also make a full satisfaction (to be ascertained by the Justice before whom such offender or offenders shall be convicted) to such commissioners, trustees, or other person or persons having the control of the pavements in the parochial or other district within which the offence shall be committed, for the damage so done, and that such penalty and satisfaction shall be recovered in the same manner in which penalties and forfeitures are hereinafter directed to be recovered by virtue of this Act.

59—61. [*Scavenging and removal of dust, etc.* Rep. 54 & 55 Vict. c. 76, s. 142.]

Dirt not to be swept into any common sewer.

62. . . . No scavenger, raker, or cleanser, or any other person, shall sweep, rake, or place any of the slop, mud, dirt, dust, rubbish, ashes, filth, or soil, found or being in any streets or public places in any parochial or other district within the jurisdiction of this Act, or any other slop, mud, dirt, dust, rubbish, ashes, filth, soil, or other articles or things, over any grate or grates placed above or communicating with any common or public drain or sewer, or into any common or public drain or sewer; and that any and every scavenger, raker, or cleanser, or any other person or persons who shall so offend, shall for every such offence forfeit and shall pay the sum of five pounds, to be recovered in the same manner in which other penalties and forfeitures are hereinafter directed to be recovered by virtue of this Act. [*See also* 18 & 19 Vict. c. 120, s. 205; and 57 & 58 Vict. c. cxxii. ss. 8—17.]

63. [*Footways to be swept daily during frost and snow.* Rep. 54 & 55 Vict. c. 76, s. 142.]

Nuisances and annoyances from beating carpets, breaking horses, driving barrows and carriages on pavements, and throwing filth, prohibited.

64. . . . If any person or persons shall, in any street or public place in any parochial or other district within the Jurisdiction of this Act, at any time or times hereafter, beat or dust any carpet or carpets; or shall drive any carriage or carriages, for the purpose of breaking, exercising, or trying horses; or shall ride any horse, mare, or gelding, for the purpose of exercising, airing, trying, showing, or exposing such horse, mare, or gelding for sale (otherwise than by passing through such streets or other public places); . . . or shall run, roll, drive, draw, or place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footway pavements of any street or public place in any parochial or other district within the jurisdiction of this Act, any waggon, cart, dray, sledge, or other carriage, or any wheel, wheelbarrow, handbarrow, or truck, or any hogshead, cask, or barrel; or shall wilfully ride, lead, or drive any horse, ass, mule, or other beast, upon any of the footway pavements aforesaid, then and in every such case it shall and may be lawful to and for any Justice of the Peace for the city, borough, or county wherein any such parochial or other district may be situate, and he is hereby required, upon complaint to him made upon oath or affirmation of one or more credible witness or witnesses, to issue a summons requiring such offender or offenders to appear before him, at such time and place as shall be in such summons specified; or it shall and may be lawful to and for any person or persons whomsoever, who shall see any such offence committed, if he or they shall think proper, to seize, and also for any other person or persons to assist in seizing such offender or offenders by the authority of this Act, and by such authority, and without any other

authority or warrant whatsoever, to convey such offender or offenders before some Justice of the Peace for the city, borough, or county wherein any such parochial or other district may be situate; and upon the party or parties appearing in pursuance of such summons, or not appearing after having been so summoned, or being brought before such Justice when so seized or otherwise, he the said Justice shall proceed to examine upon oath or affirmation any witness or witnesses who shall appear or be produced to give evidence touching such offence; and if the party or parties accused shall be convicted of any or either of the offences aforesaid, upon his or their own confession, or upon the oath or affirmation of one or more credible witness or witnesses as aforesaid, then and in every such case the person or persons so convicted shall forfeit and pay a sum not less than forty shillings nor exceeding five pounds for each and every offence; and that one moiety of every such penalty shall be paid to the informer or informers, or to the person or persons who shall apprehend such offender or offenders; and the other moiety thereof shall be paid to the treasurer or treasurers of the commissioners, trustees, or other persons having the control of the pavements in the streets or public places in the parochial or other district wherein any such offence or offences shall have been committed. [*Part omitted rep.* 54 & 55 *Vict. c.* 76, s. 142. *See also* 2 & 3 *Vict. c.* 47, s. 60.]

65. . . . If any person or persons at any time or times hereafter shall set or place, or cause or permit to be set or placed by any servant or person employed by him, her, or them, or otherwise, any stall board, chopping block, show board on hinges or otherwise, basket, wares, merchandise, casks, or goods of any kind whatsoever; or shall hoop, place, wash, or cleanse, or cause to be hooped, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any part of the carriage or foot ways in any streets or public places in any parochial or other district within the jurisdiction of this Act; or shall set out, lay, or place or cause or procure, permit or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage upon any of the said carriage-ways (except such coaches, chariots, and chairs as have been or shall be hereafter licensed by the commissioners for regulating and licensing hackney coaches, chariots, and chairs, and which stand for hire according to the statutes and byelaws made for those purposes), and also except for the necessary time of loading or unloading any cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired or harnessing or unharnessing the horses from any coach, cart, wain, waggon, dray, sledge, truck, or other carriage: or if any person or persons shall set or place, or cause to be set or placed, in or upon or over any of the said carriage or foot ways, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as in and by any local Act or Acts of Parliament, or by this Act, or some of them, may be directed), or any other matters or things whatsoever; or shall hang out or expose, or cause or permit to be hung out or exposed, any meat or offal, or other matter or thing whatsoever, from any house or houses, or other buildings or premises belonging to or occupied by him, her, or them, over any part of either of such pavements, or over any area or areas of any houses or other buildings or premises; or shall place or put out, or cause or permit to be placed or put out,

Annoyances from stalls, baskets, and wares and other matters prohibited, and punishable on renewal after notice; and all such articles may be seized and sold.

any garden or other pots (except the same shall be perfectly secured from falling to the satisfaction of the commissioners or trustees or other persons having the control of the pavements in any such parochial or other district, or of their surveyor of the pavements for the time being), or any other matter or thing, from and on the outside of the front or any other part of any house or houses, or other buildings or premises, over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being thereunto required by any surveyor or surveyors of pavements, or by any other person or persons employed or appointed by the commissioners, trustees, or other persons having the control of the pavements in any parochial or other district, and whether the same shall have been so set or placed, exposed or put out by himself, herself, or themselves personally, or by any of his, her, or their servants, or by any person or persons employed by him, her, or them, and shall not continue and keep the same so removed; or if any person or persons, having in pursuance of any such requisition or requisitions as aforesaid, removed or caused to be removed any such stall board, show board, chopping block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, garden pots, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit or suffer to be again set, laid, or placed, exposed or put out, the same or any of them, or any other stall board, show board, chopping block, basket, wares, merchandise, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, timber, stones, bricks, lime, meat, offal, garden pots, or other matters or things whatsoever (save and except as aforesaid), in or upon or over any of the carriage or foot ways of or next unto any streets or public places within the same parochial or other district as aforesaid, then and in every such case it shall and may be lawful to and for any Justice of the Peace for the city, borough, or county wherein the said parochial or other district may be situate, and he is hereby required, upon complaint to him made by any one or more credible witness or witnesses upon oath, to issue a summons requiring the person or persons accused of such offence, or the owner or owners of the goods, materials, meat, offal, garden pots, matters or things, or of the coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, which shall be so set or placed, exposed or set out, or the master or masters of the person or persons by whose servants, or by the person or persons employed by whom, such offence shall have been committed, to appear before him, or before any other Justice of the Peace for the same city, borough, or county, as shall be then or there present, at such time and place as shall be in such summons specified, and then and there to proceed to examine upon oath or affirmation any witness or witnesses who shall appear or be produced to give evidence touching such offence; and if the person or persons so offending shall be convicted of any or either of the offences aforesaid, upon his, her, or their own confession, or upon the oath or affirmation of one or more credible witness or witnesses as aforesaid, he, she, or they who shall be so convicted, and the owner or owners of such goods, materials, meat, offal, garden pots, matters or things, or of the coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages which

shall be so set or placed, exposed or set out as aforesaid, and the master or masters, employer or employers of the person or persons so offending, shall forfeit and pay for the first offence the sum of forty shillings, and for the second and every subsequent offence any sum not exceeding five pounds; and that such respective penalties shall be paid to the treasurer or treasurers of the commissioners, trustees, or other persons having the control of the pavements in the streets or public places in the parochial or other district wherein any such offence shall have been committed, or to such other person or persons as they shall direct and appoint; and also, that not only shall such penalties become payable and to be recovered, but that it shall and may be lawful to and for any person or persons appointed or to be appointed by the said commissioners or trustees or other persons as aforesaid for that purpose, without any warrant or other authority than this Act, to seize any such stall board, show board, chopping block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage, together with the horse or horses, ass or asses, mule or mules, if any shall be thereunto belonging, with the harness, gear, and accoutrements thereof, or any such timber or other materials, or other matters or things aforesaid, or any of them; and in case any of the wares, goods, and merchandises so seized shall be perishable, or shall be articles of food, then the same shall be immediately forfeited, and such person or persons who shall seize the same shall deliver the same or cause the same to be delivered to the churchwardens or overseers of the poor, or to some of them, or to the master of any workhouse situate in the said parochial or other district, or of the parish whereunto such district shall belong; and the same shall and may be given and distributed by him or them unto one or among any one or more of the poor inhabitants of the said parochial or other district, or of such workhouse, to and for his or their benefit; but otherwise such person or persons shall cause the stall board, basket, cask, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage, horse or horses, asses or mules, or any materials and things so seized to be removed to any place appointed for the reception thereof in any such parochial or other district, if any such there be, and otherwise to such place or places as he or they shall judge convenient, giving parole or written notice of such place or places whereunto the same shall be removed unto the owner, driver, or other person having any interest in the goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriages, horses, asses, mules, materials, or other things so seized or removed, if he, she, or they shall be then and there present; and the same shall be there kept and detained until such owner, driver, or other person interested therein as aforesaid shall cause to be paid the said penalty, together with the charges for taking or removing the same, and of keeping such horse or horses, asses or mules, if any; and in case the goods, carriage, horses, materials, or other things so removed (not being perishable or articles of food) shall not be claimed, and the said penalty and charges be paid, within five days next after such removal thereof, then and in every such case it shall and may be lawful to and for the said commissioners or trustees, or other persons as aforesaid, or their surveyor of the pavements, or any other person to be appointed by the said commissioners or trustees or other persons as

aforesaid, to order the same to be appraised and sold; and the overplus of the money arising by such sale shall be returned to the owner or owners thereof, if he or they shall have given such notice as aforesaid, after deducting the said penalty, and such costs, charges, and expenses attending such seizing, removing, keeping, appraising, and selling the same, as the said commissioners or trustees or other persons as aforesaid, or any surveyor of the pavements in any parochial or other district, shall ascertain and allow.

For the removal of nuisances and annoyances, a repetition of notices unnecessary.

66. . . . In all cases where by this Act, or by any local Act or Acts of Parliament relating to any parochial or other district within the jurisdiction of this Act, it may be directed, required, and provided that any person or persons setting or placing any stall board, chopping block, basket, wares, merchandise, pipe, barrel, cask, or vessel, goods, timber, stones, bricks, lime, or any other materials, matters, or things, or causing or procuring the same or any of them to be set or placed upon any of the carriage or foot pavements or otherwise, contrary to the regulations herein or in any such local Act or Acts contained, in any of the streets or public places within the jurisdiction of this Act, or that any person or persons driving or placing any coach, cart, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage in or upon or over any of the foot pavements in any streets or places within the jurisdiction of this Act, or causing or procuring the same to be so driven or placed, shall have notice and be required to remove the same previous to such person or persons being subject or liable to the penalty or penalties imposed by virtue of such local Act or Acts or of this Act, and to the seizure, forfeiture, appropriation, appraisement, or sale of any such goods, materials, matters, and other things, coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, in manner directed by such local Act or Acts or by this Act, then if any person or persons shall set or place any goods, materials, matters, or other things, or shall set, place, or drive any coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages upon or over the said pavements, or any of them, or any part thereof, at any time or times subsequent to his, her, or their having received such notice, or having been required to remove the same, or any other goods, materials, matters, or things, or any other coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages from off the said pavements or any of them, or shall cause or permit the same or any of them to be set or placed or driven by his or their servants, or by any person or persons employed by him or them; in any and every such case it shall not be necessary or requisite that any person or persons, seeing such offence or offences committed again, should require the removal of the said goods, materials, matters, or things, or coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages; but the same or any of them, being so again set, placed, or driven in, upon, or over the said pavements or any of them, or any part thereof, contrary to the directions of any such local Act or Acts of Parliament, or of this Act, shall and may be seized, forfeited, removed, applied, detained, appraised, and sold, in manner herein provided as to any other goods, materials, matters, or things, or coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, which shall not be removed on a requisition or notice being given so to do as herein-

before provided; and the person or persons so committing the said offence or offences, and the owner or owners of the goods, materials, matters, or other things, or coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages which shall be so placed or driven, and the master or masters, employer or employers of the person or persons so offending, shall be subject and liable to the same penalty or penalties, forfeitures, proceedings, charges, and punishments, as if such person or persons offending had neglected or refused to remove the said goods, materials, matters, or other things, or coaches, carts, waggons, drays, wheelbarrows, handbarrows, sledges, trucks, or other carriages, when required so to do, under and by virtue of any local Act or Acts of Parliament, or of this Act, and although the said notices or requisitions shall not have been repeated or again given to the person or persons committing or directing or permitting such offence or offences, or any of them: anything in this Act or in any local or other Act or Acts of Parliament to the contrary thereof in anywise notwithstanding.

67, 68. [*Hog-styes and keeping of swine.* Rep. 54 & 55 Vict. c. 76, s. 142.]

69. . . . If any person or persons at any time or times hereafter shall sift, screen, or slack, or cause to be sifted, screened, or slacked, any lime in any street or public place in any parochial or other district within the jurisdiction of this Act, or shall cause the same to be so done, without the consent of the commissioners or trustees or other persons having the control of the pavements in the streets or public places in such parochial or other district, or of their surveyor or surveyors of pavements for the time being, and without also previously erecting a hoard or inclosure, with the licence of the surveyor or surveyors of the pavements in any such parochial or other district first obtained, as directed in any local Act or Acts of Parliament relating to any such parochial or other district, or in this Act, and which hoard or inclosure shall inclose all such lime when and as it shall be sifted, screened, or slacked: then he, she, or they shall forfeit and pay for every such offence a sum not being less than forty shillings nor exceeding five pounds, to be recovered in the same manner in which other penalties are hereafter directed to be recovered by virtue of this Act. [*See also 2 & 3 Vict. c. 47, s. 60 (1).*]

Lime not to be slacked in the streets.

70. . . . If at any time or times hereafter the owner or owners, occupier or occupiers, of any house, building, or premises, in any parochial or other district within the jurisdiction of this Act, having any iron or wooden rails or bars over the areas or openings to any kitchens or cellars or other part or parts of his or their house, building, or premises, beneath the surface of the foot pavements of any streets or public places in any such parochial or other district, or having any doorway or entrance into the basement or cellar story thereof, shall not either keep the same, or the walls of such kitchens or cellars, in sufficient and good repair, or safely and securely guard and constantly keep the same securely guarded by a rail or rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and to the satisfaction of the commissioners or trustees or other persons having the control of the pavements in such parochial or other district, or of the surveyor or surveyors of the pavements in any such parochial or other district for the time being, or of any inspectors or other officers or persons appointed by

Entrances to cellars and coal holes to be covered and secured.

the said commissioners, trustees, or other persons as aforesaid, or some of them, and so as to prevent danger to persons passing and repassing ; or if any such occupier or occupiers do or shall leave open, or not sufficiently and substantially cover and keep covered and secured to such satisfaction as aforesaid, any coal or other hole, funnel, trap-door, or cellar-flap, belonging to or connected with his, her, or their respective houses, buildings, or premises (save and except only during such reasonable time as any coals, wood, casks, or other things shall be putting down or taking out of any such vault or basement story, or during such reasonable time as the flap, trap-door, or covering thereof shall be altering, repairing, or amending) : or if such owner or owners, occupier or occupiers, shall not repair, and from time to time keep in good and substantial repair to the satisfaction of the said commissioners or trustees or other persons, or of the said surveyor or surveyors, inspectors, or other persons appointed by the said commissioners or trustees or other persons as aforesaid, all and every or any such iron or wooden rails, guard rails, flaps, trap-doors, and other covering ; then and in every such case the person or persons neglecting so to do shall for every or any such offence forfeit and pay any sum not being less than forty shillings nor exceeding five pounds, to be recovered in such and the same manner in which other penalties are hereafter directed to be recovered by virtue of this Act ; and that in any or either of such cases of neglect, it shall and may be also lawful to and for any two or more of the said commissioners or trustees, or other persons as aforesaid, and without the authority of any public or general meeting, or for their surveyor or surveyors of the pavements for the time being, or for their inspectors, or for any other person by such commissioners or trustees or other persons appointed as aforesaid, to cause all and every such door-ways, entrances, holes, and funnels to be well and securely covered over and guarded, and all iron or wooden rails, or guard rails, flaps, trap-doors, or coverings, to be well and substantially repaired or renewed, by such person or persons as they shall think proper to employ, and with such materials and in such manner as they or he may direct, and that all the costs, charges, and expenses attending the same be ascertained and certified by the surveyor or surveyors of the pavements, in any such parochial or other district, and shall be borne and paid by the owner or owners, occupier or occupiers, or other person or persons so neglecting to repair and make good the same in manner aforesaid ; and that if such costs, charges, and expenses shall not be so paid by such person or persons to the said surveyor or surveyors, or to such other person or persons as he or they shall or may appoint to receive the same within twenty-four hours after an account of the costs, charges, and expenses so ascertained and certified shall have been given to or left for such person or persons, at or on such houses, buildings, or premises, then double the amount of the sum so certified shall become due and payable from such person or persons, over and above the other penalties hereby imposed, and shall and may be recovered and levied in such and the same manner in which any other penalties are hereinafter directed to be recovered, or in which any monies may be recovered from any water or gaslight companies, or any other persons, for or on account of any costs and charges of relaying any pavements, by virtue of any local Act or Acts of Parliament relating to such parochial or other districts, or of this Act.

71. . . . If at any time or times hereafter any person or persons shall dig or make or cause to be dug or made any hole, or leave or cause to be left any hole before any vacant ground, or before or behind or on the side of any house or other tenement or building erected or being erected or about to be erected in and adjoining to any street or public place formed or to be formed or forming in any parochial or other district within the jurisdiction of this Act, for the purposes of making any vault or vaults, or the foundation or foundations to such houses or other buildings, or for any other purpose whatsoever, and shall not forthwith inclose the same in a good and sufficient manner, to the satisfaction of the surveyor or surveyors of the pavements for the time being to the commissioners or trustees or other persons having the control of the pavements in such parochial or other district, or shall keep up or cause to be kept up and continued any such inclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said commissioners or trustees or other persons as aforesaid, or of their surveyor or surveyors of pavements for the time being, or shall not, when thereunto required by such surveyor or surveyors, or either of them, well and sufficiently fence or inclose any such hole or holes, or area or areas, or space or spaces opened or left open, and intended for an area or areas, foundation or foundations, or for any other purpose whatsoever, in the front of or behind or on the side of such vacant ground, house, or other tenement or building in and adjoining to any such street or public place formed or to be formed or forming, within six hours after he or they shall be required so to do by the said surveyor or surveyors of pavement, and in the manner and with such materials as he or they shall direct, and to his or their satisfaction, then and in every or any such case he or they so offending shall forfeit and pay for every such offence, and for every such refusal or neglect, any sum not being less than forty shillings nor exceeding five pounds, to be recovered in the same manner in which other penalties are hereinafter directed to be recovered by virtue of this Act.

Holes excavated for vaults to be inclosed.

72. [*Encroachments and projections to be regulated. Superseded 18 & 19 Vict. c. 120, s. 119.*]

73, 74. [*Stop to be carried only in covered carts—Certain nuisances finable. Rep. 54 & 55 Vict. c. 76, s. 142.*]

75. . . . No person or persons whomsoever shall erect, place, set up, or build, in any street or other public place in any parochial or other district within the jurisdiction of this Act at any time or times hereafter, any hoard or scaffolding, or place or erect any posts, bars, rails, boards, or other thing, by way of inclosure, for the purpose of making mortar, or of depositing or sifting, screening or slacking any bricks, stone, lime, sand, or any other materials for building or repairing any house or other tenement or erection, or for other works, or for any other purpose, without leave or licence first had and obtained under the hand or hands of the surveyor or surveyors for the time being of the pavements of such parochial or other district, who is and are hereby required to grant the same forthwith for the purpose of making mortar, and depositing or sifting, screening or slacking any bricks, stone, lime, sand, or any other materials for building or repairing any house or other tenement or erection, specifying therein the length of time for which the same when so erected or set up may be continued, and giving such other

Hoards to be erected, but not without leave.

directions respecting the same as he or they may think necessary on being paid by every person so applying for such licence the sum of two shillings and sixpence; and that if any person or persons shall erect, place, set up or build, or cause or permit to be erected, placed, set up, or built, any such board or scaffolding or any inclosure, posts, bars, or rails, or any other matter or thing for the purposes aforesaid, or for any other purpose, without the leave or licence, signed as aforesaid, of the said surveyor or surveyors of the pavements so had and obtained, or shall erect, set up, or build the same, or cause or permit the same to be set up or erected in any other manner, or to be continued for any longer time than shall be allowed or expressed in such licence, then and in either of the said cases such person or persons, or the person or persons by whom he or they shall or may be employed, shall forfeit and pay the sum of ten shillings for every day that the same shall have been and shall be set up and continued; and also that it shall and may be lawful for the said commissioners or trustees or other persons having the control of the pavements of such parochial or other district, or for the said surveyor or surveyors of the pavements for the time being, to cause the same to be pulled down and removed, and the same and all the materials thereof, and of every part thereof, to be kept and detained until such person or persons shall and do pay to the said surveyor or surveyors of the pavements, or to the person or persons in whose custody the same shall be, all the penalties incurred by such person or persons, together with the charges of pulling down, removing, and keeping the same, to be ascertained and determined by the said surveyor or surveyors; and in case the same shall not be claimed, and the said penalties and charges aforesaid shall not be paid within the space of five days next after the pulling down and removal thereof, then it shall and may be lawful to and for the said commissioners or trustees, or other persons as aforesaid, or for their surveyor or surveyors of the pavements, to order or cause the same to be appraised and sold; and the money arising therefrom, after deducting all the said charges, shall be paid to the treasurer or treasurers of the said commissioners or trustees or other persons as aforesaid, or to such other person or persons as they from time to time shall or may direct or appoint. [See 18 & 19 Vict. c. 120, ss. 121—123.]

76. [*Commissioners may direct streets to be distinguished and houses to be numbered.* Superseded 57 & 58 Vict. c. cexiii. ss. 32—38.]

77, 78. [*Streets may be watered if three-fourths of inhabitants so request, and special rates assessed therefor.* Superseded 18 & 19 Vict. c. 120, ss. 90, 116, & 158; and 62 & 63 Vict. c. 14, s. 11.]

Courts may be stopped up with the approbation of two or more justices, and with the consent of the owners of contiguous property.

79. And whereas there are in certain parochial or other districts within the jurisdiction of this Act certain courts, alleys, and places which, without inconvenience to the public, might be discontinued and stopped up, and which, from their private and confined situation, and by being harbours or receptacles for filth and rubbish, are noisome and offensive: Be it therefore further enacted, That if upon the view of any two or more of His Majesty's Justices of the Peace for the city, borough, or county wherein such court, alley, or place may be situate, it shall to them appear that any such court, alley, or place is become unnecessary, and may, without inconvenience to the public, or to the owners of houses or tenements adjoining thereto,

be discontinued and stopped up, then and in such case it shall and may be lawful to and for such Justices, by and with the consent of the commissioners or trustees, or other persons having the control of the pavements of the streets and public places in such parochial or other district, testified by writing under the hand of the clerk or clerks to such commissioners or trustees, or other persons as aforesaid for the time being, and by and with the consent of the owner and owners of the houses, lands, or tenements adjoining to four parts in five in the length of any such court, alley, or place, testified by writing under his, her, or their hand or hands, at any Special Session to be holden for that purpose, by order under the hands and seals of such Justices, to discontinue and stop up any and every such court, alley, or place; and all such courts, alleys, and places, or such proportion thereof as may adjoin to the houses or tenements of such person who shall have so consented, shall be discontinued and stopped up accordingly, subject to appeal as hereinafter is mentioned: Provided always, that nothing herein contained shall extend or be construed to extend so as to authorize the discontinuing or stopping up any court, alley, or place, or any part or parts thereof, whereby or in consequence whereof any house, tenement, or land shall be so inclosed (unless with such consent as aforesaid), that the owner or owners thereof shall be prevented from passing freely to and repassing freely from such house, tenement, or land.

80. . . . For the improvement of the streets and public places in the parochial or other districts within the jurisdiction of this Act, and for the public advantage, it shall and may be lawful to and for the commissioners or trustees, or other persons having the control of the pavements of any parochial or other district, from time to time, and at all times hereafter, to alter, widen, turn, or extend any of the streets or other public places within any such parochial or other district (except turnpike roads), and to lengthen and continue or open the same from the sides or ends of any streets or public places within any parochial or other district, into any other street or public place within such or any other parochial or other district, and to raise, level, lower, drain, ballast, gravel, or pave such new part or parts of any such streets or public places so altered, widened, extended, opened, or lengthened as aforesaid: and that if any houses, walls, buildings, lands, tenements, and hereditaments, or any part thereof, shall be adjudged by the said commissioners or trustees, or other persons as aforesaid, to project into, obstruct, or prevent them from so altering, turning, widening, extending, lengthening, continuing, or opening the said streets or public places within the said parochial or other district, and that the possession, occupation, and purchase of such houses, walls, buildings, lands, tenements, or hereditaments will be necessary for that purpose, it shall and may be lawful to and for the said commissioners or trustees, or other persons as aforesaid, and they shall have full power and authority, to treat, contract, and agree, or to employ any person or persons to treat, contract, and agree with the several owner or owners, occupier or occupiers of all such houses, walls, buildings, lands, and hereditaments, of whatsoever nature, tenure, kind, or quality, for the purposes aforesaid, and to pay for the same such sum and sums of money as shall be agreed upon by the said commissioners or trustees, or other persons as aforesaid, and the owner or owners, occupier or occupiers thereof, out of the money to arise and be raised

Streets may be widened and improved with consent of owners.

and to be received by them, either by virtue of any local Act or Acts of Parliament relating to such parochial or other districts, or of this Act, and to pull down, use, sell, or dispose of such houses, walls, and buildings, and the materials thereof, and lay the sites thereof, and also such other lands, tenements, or hereditaments, or so much thereof as they the said commissioners or trustees, or other persons as aforesaid, shall think proper into the said streets or other public places; and all such new parts of such streets or public places, and the owners and occupiers of houses and buildings, messuages, and other hereditaments therein and adjoining thereto, shall be subject and liable to all the rates, assessments, powers, provisions, orders, clauses, and things to be made by virtue of or contained in any local Act or Acts of Parliament relating to such parochial or other district, or by virtue of or contained in this Act, in the same manner as the present streets and public places included in any such local Act or Acts, or within the jurisdiction of this Act, and the owners and occupiers of houses or buildings and messuages or other hereditaments therein and adjoining thereto.

Corporate or
collegiate
bodies and
incapacitated
persons en-
abled to sell.

81. . . . It shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, tenants for life or in tail, or others having a partial or qualified interest or estate in any houses, lands, tenements, or hereditaments, husbands, femmes covert, guardians, trustees, and feoffees in trust for charities or other purposes, committees, executors, or administrators, and all other persons whomsoever, not only on behalf of themselves, and their respective heirs, executors, administrators, and successors, but also on behalf of all persons entitled in reversion or remainder expectant on an estate tail, and on behalf of all persons entitled in reversion or remainder expectant on an estate for life, or other less estate, or by way of executory devise, in case such persons shall be incapacitated or decline to treat, and on behalf of their respective wives and cestuique trusts, whether infants, issue unborn, lunatics, idiots, femmes covert, or others, and for all and every other person or persons whomsoever who are and shall be seised, possessed of, or interested in any such houses, lands, tenements, or hereditaments, to treat and agree with the said commissioners or trustees, or other persons having the control of the pavements in the streets or public places in any parochial or other district within the jurisdiction of this Act as aforesaid, for the absolute sale thereof, and to sell and convey to the said commissioners or trustees, or other persons as aforesaid, by feoffment, lease and release, or bargain and sale, by deed indented and enrolled in any of His Majesty's Courts of Record at Westminster, for such valuable consideration as shall be *bonâ fide* agreed upon for such houses, lands, tenements, or hereditaments as shall be adjudged necessary and convenient for the purposes aforesaid: and that all contracts, agreements, sales, or conveyances which shall be *bonâ fide* made for the purpose aforesaid shall be good and effectual in the law to all intents and purposes: anything to the contrary thereof in anywise notwithstanding.

When parties
refuse or are
unable to
treat, etc. a
precept to be
issued for
impannelling
a jury,

82. . . . If any body or bodies politic, corporate, or collegiate, or any other person or persons seised or possessed of or interested in any such houses, buildings, lands, tenements, or hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of absence or disability cannot agree with the said commissioners or trustees or other persons having the

control of the pavements of any streets or public places in any parochial or other district within the jurisdiction of this Act, or with any person or persons authorized by them, for the sale and conveyance of their respective estates and interest therein, or cannot be found or known, or shall not produce and evince a clear title to the premises they are in possession of, or to the interest they claim therein, to the satisfaction of the said commissioners or trustees or other persons as aforesaid, or of the person or persons so authorized by them, then and in every such case it shall be lawful for the said commissioners or trustees or other persons as aforesaid, and they are hereby required to issue a warrant or warrants, precept or precepts, directed to the sheriff or sheriffs, or bailiff or other proper officer of the city, borough, or county wherein the premises shall respectively lie or be, who is hereby authorized, directed, and required accordingly to impanel, summon, and return a competent number of substantial and disinterested persons qualified to serve on juries, not less than forty-eight nor more than seventy-two; and out of such persons so to be impanelled, summoned, and returned, a jury of twelve men shall be drawn by some indifferent person to be by the said commissioners or trustees or other persons as aforesaid appointed, in such manner as juries for the trial of issues joined in His Majesty's Courts at Westminster are by an Act made in the third year of the reign of His late Majesty King George the Second, intituled "An Act for the better Regulation of Juries," are directed to be drawn: which persons so to be impanelled, summoned, and returned as aforesaid are hereby required to come and appear before the Justices of the Peace for the city, borough, or county wherein the premises shall lie or be, at some Court of General or Quarter Sessions of the Peace to be holden in and for the same city, borough, or county, or at some adjournment thereof, as in such warrant or warrants, precept or precepts, shall be directed and appointed, and to attend such Court of General or Quarter Sessions from day to day until discharged by the said court: and all parties concerned shall and may have their lawful challenges against any of the said jurymen, but shall not be at liberty to challenge the array: and the said Justices are hereby authorized and empowered, by precept or precepts, from time to time as occasion shall require, to call before them all and every person and persons whomsoever who shall be thought proper and necessary to be examined as a witness or witnesses on his, her, or their oath or oaths, touching or concerning the premises: and the said Justices, if they think fit, shall and may, on the application of either party, likewise authorize the said jury to view the place or places or premises in question, in such manner as they shall direct; and the said Justices shall have power to adjourn such court from day to day as occasion shall require, and to command such jury, witnesses, and parties to attend until all such affairs for which they were summoned shall be concluded: and the said jury upon their oaths (which oaths, as also the oaths of such person or persons as shall be called upon to give evidence, the said Justices are hereby empowered and required to administer) shall inquire of the value of such houses, buildings, lands, tenements, or hereditaments, and of the proportionable value of the respective estates and interest of all and every person and persons seised or possessed thereof, or interested therein, or of or in any part or parts thereof, and shall assess and award the sum or sums of money to be paid to such person or persons, party or parties respec-

who are to be drawn as 3 G. 2. c. 25. directs.

Jurymen may be challenged.

Justices, on the application of either party, may direct a view of the premises.

Jury to assess the value on oath.

Verdict of the jury, etc. to be final, previous notice being given to the parties interested.

If the sum assessed shall not exceed the sum offered,

the costs of such assessment, etc. to be paid by such body politic, etc.

and the commissioners, etc. may retain the same out of the sum so assessed.

tively, for the purchase of such houses, buildings, lands, tenements, or hereditaments, and of such respective estates and interest therein, and also for good-will, improvements, or any injury or damage whatsoever that may affect any such person or persons, party or parties, either as leaseholders or tenants at will, provided that such good-will shall be estimated by what, in the opinion of such jury, the same would have been worth in case the improvements intended by this Act had not been in contemplation : and the said Justices shall and may give judgment for such sum or sums of money so to be assessed ; which verdict or verdicts, and the judgment and judgments, determination and determinations thereupon, (notice in writing being given to the person or persons interested or claiming so to be, at least fourteen days before the time of the meeting of the said Justices as aforesaid and jury, by leaving such notice at the dwelling house of such person and persons, or at his, her, or their last usual place or places of abode, or with some tenant or occupier of the premises respectively intended to be valued), shall be binding and conclusive to all intents and purposes whatsoever against all bodies politic, corporate, and collegiate, and all and every person and persons claiming any estate, right, title, trust, use, or interest in, to, or out of such houses, buildings, lands, tenements, or hereditaments and premises in possession, reversion, remainder, or expectancy, as well infants and issue unborn, lunatics, idiots, and femes covert, and persons under any other legal incapacity or disability, as all other cestuigne trusts, their, his, and her heirs, successors, executors, and administrators, and against all other persons whomsoever ; and the said verdicts, judgments, and determinations, and all other proceedings of the said Justices and juries, so to be made, given, and pronounced as aforesaid, shall be fairly written on parchment, and signed by the clerk of the peace for the time being of the city, borough, or county wherein the premises shall respectively lie or be ; and in case it shall so happen that the sum or sums of money so to be assessed and awarded in consequence of such refusal to treat and agree as aforesaid, as the value of such houses, buildings, lands, tenements, or hereditaments, or as such proportional value as aforesaid, and as the recompense and satisfaction to be made for the injury or damage sustained as before mentioned respectively, shall not exceed the sum or sums of money which the said commissioners or trustees, or other persons as aforesaid, or any person or persons authorized by them, shall have previously offered to pay as and for such value, recompense, and satisfaction, then and in every such case all the reasonable costs, charges, and expenses of causing and procuring such value and recompense to be assessed and awarded as aforesaid, and also assessing and awarding the same, shall be borne and paid by the body or bodies politic, corporate, or collegiate, or other person or persons so seised or possessed of or interested in such houses, buildings, lands, tenements, or hereditaments, and so refusing to treat and agree as before mentioned respectively ; and the said commissioners or trustees, or other persons as aforesaid, are hereby authorized and empowered to deduct and retain the said costs, charges, and expenses out of the sum or sums of money so to be assessed or awarded as aforesaid, or out of any part thereof : Provided always, that in all cases where any person or persons shall by reason of absence have been prevented from treating about such recompense or satisfaction as aforesaid, such costs and charges shall

be borne and paid by the said commissioners or trustees, or other persons as aforesaid, in manner aforesaid.

83. . . . The said Justices shall have power from time to time to impose any reasonable fine, not exceeding the sum of twenty pounds, on such sheriff or bailiff, or his deputy or deputies, bailiffs or agents respectively, making default in the premises, and on any of the persons who shall be summoned and returned on any such jury or juries, and shall not appear, without sufficient excuse, or appearing shall refuse to be sworn on the said jury or juries, or being so sworn shall not give his or their verdict; and also on any person or persons who shall be summoned to give evidence touching any of the matters aforesaid, and shall not attend, or attending shall refuse to be sworn, or to affirm, or who shall refuse to give his, her, or their evidence, and on any person or persons who shall in any other manner wilfully neglect his, her, or their duty in the premises, contrary to the true intent and meaning of this Act; and from time to time to levy such fine or fines, by order of the said Justices, by distress and sale of the offender's goods and chattels, together with the reasonable charges of every such distress and sale, returning the overplus (if any) to the owner or owners; and that a copy of the order of the said Justices, signed by the clerk of the peace for the time being of the city, borough, or county wherein the premises shall lie or be, as the case shall require, shall respectively be sufficient authority to the person or persons therein to be appointed, and to every other person acting or aiding and assisting therein, to make such distress and sale; and all such fines shall be paid to the treasurer or treasurers of the commissioners or trustees, or other persons as aforesaid having the control of the pavements in the parochial or other district wherein such premises shall lie or be, or to such other person or persons as they may respectively from time to time appoint.

Justices empowered to impose fines for non-attendance.

84. . . . If any money shall be agreed or awarded to be paid for any lands, buildings, tenements, or hereditaments, or for any other matter, right, or interest, of what nature or kind soever, purchased, taken, or used by virtue of the powers of this Act for the purpose thereof, which shall belong to any corporation, feme covert, infant, lunatic, or person or persons under any other disability or incapacity, such money shall, in case the same shall amount to the sum of two hundred pounds, with all convenient speed be paid into the Bank of England in the name and with the privity of the Accountant General of the High Court of Chancery, to be placed to his account there *ex parte* the said commissioners or trustees, or other persons having the control of the pavements of the streets or public places in the parochial or other districts within the jurisdiction of this Act, wherein such lands, buildings, tenements, or hereditaments, shall be or lie as aforesaid, together with the name or names of such person or persons as the said commissioners or trustees or other persons as aforesaid, by writing signed by them, shall direct and appoint, to the intent that such money shall be applied, under the direction and with the approbation of the said Court, to be signified by an order made upon a petition to be preferred in a summary way by the person or persons who would have been entitled to the rents and profits of the said lands, buildings, tenements, or hereditaments, in the purchase of land tax, or discharge of any debt or debts, or such other incumbrance or part thereof as the said Court shall authorize

Application of compensation where exceeding 200*l*.

to be paid, affecting the same lands, buildings, tenements, or hereditaments, or affecting other lands, buildings, tenements, or hereditaments standing settled therewith to the same or the like uses, intents, or purposes : or where such money shall not be so applied, then the same shall be laid out and invested, under the like direction and approbation of the said Court, in the purchase of other messuages, lands, buildings, tenements, or hereditaments, which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner, as the messuages, lands, buildings, tenements, and hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect : and in the meantime and until such purchase shall be made, the said money shall, by order of the Court of Chancery, upon application thereto, be invested by the said Accountant General, in his name, in the purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities ; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the purposes aforesaid, the dividends and annual produce of the said Consolidated or Reduced Bank Annuities shall from time to time be paid, by order of the said Court, to the person or persons who would for the time being have been entitled to the rents and profits of the said lands, buildings, tenements, and hereditaments so hereby directed to be purchased, in case such purchase or settlement were made.

Application where the compensation does not exceed 20*l.* nor less than 20*l.*

85. Provided always . . . that if any money so agreed or awarded to be paid for any lands, buildings, tenements, or hereditaments, or for any other matter, right, or interest, of what nature or kind soever, purchased, taken, or used for the purposes aforesaid, and belonging to any corporation, or to any person or persons under disability or incapacity as aforesaid, shall be less than the sum of two hundred pounds, and shall exceed the sum of twenty pounds, then and in all such cases the same shall, at the option of the person or persons for the time being entitled to the rents and profits of the hereditaments so purchased, taken, or used, or of his, her, or their guardian or guardians, committee or committees, in case of infancy or lunacy, to be signified in writing under their respective hands, to be paid into the bank in the name and with the privy of the said Accountant General of the High Court of Chancery, and be placed to his account as aforesaid, in order to be applied in manner hereinbefore directed : or otherwise the same shall be paid, at the like option, to two trustees, to be nominated by the person or persons making such option, and approved of by the said commissioners or trustees or other persons as aforesaid (such nomination and approbation to be signified in writing under the hands of the nominating and approving parties), in order that such principal money, and the dividends arising thereon, may be applied in any manner hereinbefore directed, so far as the case may be applicable, without obtaining or being required to obtain the direction or approbation of the Court of Chancery.

Application where the money is less than 20*l.*

86. Provided also, . . . that where such money so agreed or awarded to be paid as next before mentioned shall be less than twenty pounds, then and in all such cases the same shall be applied to the use of the person or persons who would for the time being have

been entitled to the rents and profits of the hereditaments and premises so purchased, taken, or used for the purposes of this Act, in such manner as the said commissioners or trustees, or other persons as aforesaid, shall think fit : or in case of infancy or lunacy, then to his, her, or their guardian or guardians, committee or committees, to and for the use and benefit of such person or persons so entitled respectively.

87. . . . Upon payment of any sum or sums so agreed or awarded to the party or parties to whom the same shall be so awarded, or upon the deposit of the same in the Bank of England in manner by this Act directed (as the case may be), the said lands, tenements, and hereditaments, in respect whereof the same shall have been so paid or deposited as aforesaid, shall vest in the commissioners or trustees or other persons as aforesaid for the time being, in manner and for the purposes aforesaid, who shall be deemed in law to be in the actual possession thereof, to all intents and purposes whatsoever, freed and discharged from all former and other estates, rights, titles, interests, claims, and demands whatsoever.

On payment of the purchase money premises to vest in commissioners, etc.

88. Provided always, . . . that where any question shall arise touching the title of any person to any money to be paid into the Bank of England in the name and with the privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the purchase of any lands, tenements, or hereditaments, or of any estate, right, or interest in any lands, tenements, or hereditaments to be purchased in pursuance of this Act, or to any bank annuities to be purchased with any such money, or the dividends or interest of any such bank annuities, the person or persons who shall have been in possession of such lands, tenements, or hereditaments, at the time of such purchase, and all persons claiming under such person or persons, or under the possession of such person or persons, shall be deemed and taken to have been lawfully entitled to such lands, tenements, or hereditaments according to such possession, until the contrary shall be shown to the satisfaction of the said Court of Chancery : and the dividends or interest of the bank annuities to be purchased with such money, and also the capital of such bank annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to such lands, tenements, or hereditaments, or to some estate or interest therein.

Where any question shall arise touching the title to money to be paid, the person who shall be in possession of the lands, etc. at the time of such purchase, shall be deemed entitled thereto according to such possession, unless, etc.

89. Provided also, . . . that where by reason of any disability or incapacity of the person or persons or corporation entitled to any lands, tenements, or hereditaments, to be purchased, or purchased under the authority of this Act, the purchase money for the same shall be required to be paid into the Court of Chancery, and to be applied in the purchase of other lands, tenements, or hereditaments, to be settled to the like uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the expenses of all purchases from time to time to be made in pursuance of this Act, or so much of such expenses as the said Court shall deem reasonable, to be paid by the said commissioners or trustees or other persons as aforesaid, who shall from time to time pay such sums of money for such purposes as the said Court shall direct.

The Court of Chancery may order reasonable expenses of purchases to be paid by the commissioners, etc.

90. . . . Every tenant at will or lessee for a year, or any other person or persons in possession of any such houses, buildings, lands,

Tenants at will, etc. to

deliver possession on six months notice.

tenements, and hereditaments, or any part thereof, which shall be purchased by virtue and for the purposes of this Act, and who shall have no greater interest in the premises than as tenant at will or lessee for a year, or from year to year, shall deliver up the possession of such premises to the said commissioners or trustees, or other persons as aforesaid having the control of the pavements in the streets or public places in the parochial or other division within the jurisdiction of this Act, wherein such houses, buildings, lands, tenements, and hereditaments, or to such person or persons as the said commissioners or trustees or other persons as aforesaid shall appoint to take possession of the same, upon having six calendar months notice to quit such possession from the said commissioners or trustees or other persons as aforesaid, or from the person or persons so authorized by them; and such person or persons in possession shall at the end of the said six calendar months, whether such notice be given with reference to the time or times of such tenants holding or not, or so soon as he, she, or they shall be required, peaceably and quietly deliver up the possession of the said premises to the said commissioners or trustees, or other persons as aforesaid or the person or persons authorized by the said commissioners or trustees or other persons as aforesaid to take possession thereof; and in case any such tenant should be compelled to quit before the expiration of his or her term in any such premises, then and in such case the said commissioners or trustees, or other persons as aforesaid, shall and they are hereby required to make satisfaction and compensation for the loss or damage which he or she shall or may sustain thereby; and in case any difference or dispute shall arise as to the amount of such satisfaction or compensation, the same shall or may be determined, settled, and ascertained by a jury, in such and the like manner as the sum or sums of money to be paid for the purchase of any lands, tenements, or hereditaments, is herein directed to be determined, settled, and ascertained; and that in case any such person or persons so in possession as aforesaid shall refuse to give such possession as aforesaid, it shall and may be lawful to and for the said commissioners or trustees, or other persons as aforesaid, to issue their precept or precepts to the sheriff or sheriffs, or bailiff, or other proper officer of the city, borough, or county wherein such parochial or other district shall be situate, to deliver possession of the said premises to such person or persons as shall in such precept or precepts be nominated to receive the same; and the said sheriff or sheriffs or bailiff, and every other proper officer, is hereby authorized and required to deliver such possession accordingly of the said premises, and to levy such costs as shall accrue from the issuing and execution of such precept or precepts on the person or persons so refusing to give possession as aforesaid, by distress and sale of his, her, or their goods.

Mortgagees, on tender of principal and interest to convey.

91. . . . All and every person and persons who shall have any mortgage or mortgages on such houses, buildings, lands, tenements, and hereditaments, not being in possession thereof by virtue of such mortgage or mortgages, shall on the tender of the principal money and interest due thereon, together with the amount of six calendar months interest on the said principal, by the said commissioners or trustees, or other persons having the control of the pavements in the streets or public places in such parochial or other district within the jurisdiction of this Act, wherein the said houses, buildings, lands, tenements, and hereditaments shall lie or be as aforesaid,

or by such person or persons as they shall appoint, immediately convey, assign, and transfer such mortgage or mortgages to the said commissioners or trustees or other persons as aforesaid, or to such person or persons as they shall appoint: or in case such mortgagee or mortgagees shall have notice in writing from the said commissioners or trustees or other persons as aforesaid, or from such person or persons as they shall appoint, that they will pay off and discharge the principal money and interest which shall be due on the said mortgage or mortgages at the end or expiration of six calendar months, to be computed from the day of giving such notice, that then at the end of the said six calendar months, on payment of the principal and interest so due, such mortgagee or mortgagees shall convey, assign, and transfer his, her, or their interest in the premises to the said commissioners or trustees or other persons as aforesaid, or to such person or persons as shall be appointed in trust for them; and in case the mortgagee or mortgagees shall refuse to convey and assign as aforesaid on such tender or payment, that then all interest on every such mortgage shall from thenceforth cease and determine.

On refusal,
interest to
cease.

92. Provided always, . . . that in case the sum due upon any such mortgage or mortgages, with all interest due thereon, shall amount to more than the real value of the premises, to be ascertained as directed by this Act, then the said commissioners or trustees or other persons as aforesaid shall not be liable to pay to the mortgagee or mortgagees more than such real value of such premises, so ascertained as aforesaid.

The mort-
gagees not
to be paid
more than
the real value
of premises.

93. . . . The conveyance of any such estate or interest of any feme covert to the said commissioners or trustees or other persons as aforesaid for the time being, or any five or more of them, or any person or persons in trust for them, by indenture or indentures of bargain and sale, sealed and delivered by such feme covert in the presence of and attested by two credible witnesses, and duly acknowledged, and to be enrolled in the High Court of Chancery within six calendar months after the making thereof, shall as effectually and absolutely convey the estate and interest of such feme covert in the premises as any fine or fines, recovery or recoveries, would or could do, if levied or suffered thereof in due form of law: and further, that all bargains and sales whatsoever to be made of any such houses, buildings, lands, tenements, and hereditaments, as shall be purchased by the commissioners or trustees or other persons as aforesaid for the time being, by virtue and for the purposes of this Act, and enrolled as aforesaid, shall have the like force, effect, and operation in law, to all intents and purposes, as any fine or fines, recovery or recoveries whatsoever would have had if levied or suffered by the bargainer or bargainiers, or any person or persons seised of or entitled to any estate or interest in the premises in trust for such bargainer or bargainiers, in any manner or form whatsoever.

Bargains and
sales to have
the force of
fines and
recoveries.

94. . . . Upon payment of the principal money and interest due on any mortgage as aforesaid into the Bank of England, at the end of six calendar months from the day of giving such notice as aforesaid, for the use of the mortgagee or mortgagees, the cashier or cashiers of the bank shall give a receipt or receipts for the said money, in like manner as is hereinbefore directed in cases of other payments into the bank: and thereupon all the estate, right, title, interest, use, trust, property, claim, and demand of the said mort-

Upon pay-
ment of prin-
cipal and
interest into
the bank,
premises to
vest in the
commission-
ers, etc.

gagee or mortgagees, and of all and every person or persons in trust for him, her, or them, shall vest in the said commissioners or trustees or other persons as aforesaid, and they shall be deemed to be in the actual possession of the premises comprised in such mortgage or mortgages, to all intents and purposes whatsoever.

Monies to be paid or tendered before any use made of the premises.

95. . . . All sums of money, or other consideration, recompence or satisfaction, to be paid or made pursuant to any such agreement or verdict as aforesaid, or in discharge of any such mortgage, shall be paid or tendered to the party or parties entitled to the same, or paid into the Bank of England as aforesaid, before the said commissioners or trustees or other persons as aforesaid, or any person or persons authorized by them, shall proceed to pull down any house or houses, or other erections or buildings comprised in or affected by such agreement, verdict, or mortgage respectively, or to use the ground for any of the purposes before mentioned in this Act.

Estates may be sold, the persons of whom they were bought having the first offer.

96. . . . It shall and may be lawful to and for the said commissioners or trustees or other persons as aforesaid, from time to time absolutely to sell and dispose of all or any of the freehold or leasehold estates, lands, houses, hereditaments, and premises which shall hereafter be conveyed to them in pursuance of this Act or otherwise; provided the said freehold or leasehold estates, lands, houses, hereditaments, and premises so purchased are first offered for sale to the respective person or persons of or from whom the premises respectively were purchased by or on behalf of the said commissioners or trustees or other persons as aforesaid; and if such person or persons respectively shall not then and thereupon agree (except with respect to and on account of the price thereof as herein-after mentioned), or shall refuse (except with respect to and on account of the price thereof) to purchase the same respectively, an affidavit shall be made and sworn before a master in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the city, borough, or county wherein such parochial or other district shall be situate (who are hereby respectively empowered and directed to take the same), by some person or persons uninterested in the said freehold or leasehold estates, lands, houses, hereditaments, or premises, stating that such offer was made by or on the behalf of the said commissioners or trustees or other persons as aforesaid, and that such offer was not then and thereupon agreed to, or was refused by the person or persons to whom the same was so offered; and that any such affidavit shall in all Courts whatsoever be sufficient evidence and proof that such offer was made and was not agreed to, or was refused by the person or persons to whom such offer was made, as the case may be; and in case such person or persons shall be desirous of repurchasing the same, and he, she, or they, and the said commissioners or trustees or other persons as aforesaid, shall differ and not agree with respect to the price thereof, then the price or prices thereof shall be ascertained by a jury, in the manner hereinbefore directed with respect to the disputed value of premises to be purchased by the said commissioners or trustees or other persons as aforesaid in pursuance of this Act; and the expense of hearing and determining such differences shall be borne and paid in like manner as is hereinbefore directed with respect to such purchase made by the said commissioners or trustees or other persons as aforesaid (*mutatis mutandis*); and the money to arise by the sale or sales which may be made by the said commissioners or trustees or other persons as aforesaid, of such freehold

or leasehold estates, lands, houses, hereditaments, and premises, shall be applied by the said commissioners or trustees or other persons as aforesaid to the purposes of the local Act or Acts of Parliament relating to the parochial or other division over the pavements whereof they shall possess a control, or to the purposes of this Act, but the purchaser or purchasers thereof shall not be answerable or accountable for any misapplication or non-application of the money paid by him or them for such freehold or leasehold estates, lands, houses, hereditaments, and premises.

97—108. [*Borrowing powers. Superseded 18 & 19 Vict. c. 120, ss. 183, 185—191.*]

109. . . . It shall and may be lawful to and for the commissioners or trustees, or other persons having the control of the pavements in the streets or public places in any parochial or other district within the jurisdiction of this Act, from time to time and at all times afterwards to assemble and meet together for the execution of the local Act or Acts of Parliament whereby or by virtue whereof they may have been appointed, and of this Act, within their respective parochial or other district or elsewhere, and may adjourn such meetings from time to time as they shall think proper; but that one such general meeting shall be held at least once in every calendar month, and that five or more of such commissioners or trustees or other persons shall attend at and be necessary to constitute every such general meeting; and the acts, resolutions, and proceedings of the majority present at such meetings shall be deemed and considered to be the acts, resolutions, and proceedings of such meetings: and that such commissioners or trustees or other persons as aforesaid may retain and employ and discharge and pay such clerks, surveyors, inspectors, and other persons, as they from time to time shall deem expedient; and also shall and may deduct and allow to themselves and to each other, and to their officers and servants, all expenses necessarily incurred in and about the execution of any local Act or Acts of Parliament, or of this Act: and also shall and may from time to time purchase or rent upon lease, for a term or terms of years or otherwise, or may erect, furnish, alter or improve any houses, offices, and other places which they may deem necessary or expedient for their places of meeting, or for the transaction of their official business, or for the deposit and safe custody of their books, vouchers, and documents; and also may purchase or rent upon lease or otherwise from time to time such place or places to be called "The Green Yard," for such parochial or other district, for the reception, deposit, and safe custody of any article seized and removed by virtue of any local Act or Acts of Parliament, or of this Act, within their respective parochial or other districts, or of any horses, beasts, cattle, or any animals or other things which may be found straying, or which shall be in or about any streets or public places within their respective parochial or other district, or which, according to any local Act or Acts of Parliament, or to this Act, or to the Common or Statute Law, may be impounded: and may appoint any person or persons to inhabit and take care of such houses, offices, and other places of meeting, and to have the custody and care of such books, vouchers, and documents, and to take care of and superintend such places of deposit as aforesaid; and may appoint the fees and charges which shall be paid and payable, and which may be demanded on or for the deposit and safe custody of any such articles so seized, or of any horses, beasts, cattle, animals,

Commissioners may meet and may have offices and places where strays or goods may be impounded.

or other things which shall be there impounded as aforesaid; and that the same fees and charges shall be so paid before any such articles or things shall be given up or restored to any persons whomsoever, or shall and may be deducted out of the proceeds of any appraisement or sale of any such articles and things, and which may be effected thereof under and by virtue of any local Act or Acts of Parliament, or of this Act.

110—121. [*Meetings of commissioners—Proceedings—Contracts—Accounts—Actions.* *Superseded* 18 & 19 Vict. c. 120.]

Commissioners and surveyors not to be obstructed in performance of their duty.

122. . . . If any person or persons shall at any time or times hereafter in any manner whatsoever wilfully obstruct, hinder, or molest any commissioners or trustees or any other persons having the control of the pavements in any streets or public places in any parochial or other district within the jurisdiction of this Act, or any surveyor or surveyors of pavements, or any other officer or officers, person or persons whomsoever, who are or shall be appointed or employed to put in execution this Act or any local Act or Acts of Parliament by the said commissioners or trustees or other persons having the control of the pavements of the streets and public places in any such parochial or other district within the jurisdiction of this Act, in the performance or execution of his or their duty, then every person or persons so offending shall for the first offence forfeit the sum of five pounds, and for the second offence the sum of ten pounds, and for the third or any subsequent offence the sum of twenty pounds, to be recovered in the same manner in which other penalties are hereinafter directed to be recovered by virtue of this Act.

Justices may proceed on complaint of commissioners.

123. . . . In all cases where one or more Justice or Justices of the Peace is or are or may be empowered by law to proceed on the complaint of the commissioners or trustees, or other persons having the control of the pavements in any streets or public places in any parochial or other district within the jurisdiction of this Act, or any of them, it shall and may be lawful for such Justice or Justices of the Peace, and he or they is and are hereby required, to proceed on the complaint of any one of the said commissioners or trustees or other such persons, or of their surveyor or surveyors of the pavements, or of their clerk or clerks for the time being, or any of them, or of any person or persons whom they or any two or more of them by writing under their hands shall appoint for that purpose, in such and the like manner to all intents and purposes as if such complaint had been made by such commissioners or trustees or other such persons as aforesaid, or any or all of them.

124. [*Two commissioners may act where a greater number is not required by any local Act or by this Act.* *Superseded* 18 & 19 Vict. c. 120.]

125—132. [*Proceedings before Justices.* *Superseded* 18 & 19 Vict. c. 120; *Metropolitan Police Acts and Summary Jurisdiction Acts.*]

Persons aggrieved may appeal.

133. Provided always, . . . that if any person or persons shall think himself, herself, or themselves aggrieved by any conviction or order of any Justice or Justices of the Peace acting in and for any city, borough, or county within the jurisdiction of this Act, for any offence committed against any local Act or Acts of Parliament relating to any parochial or other district within the jurisdiction of this Act, or against this Act, it shall and may be lawful to and for

such person or persons to appeal to the next General or Quarter Sessions of the Peace. . . . [*Part omitted (as to paving rates and procedure on appeal) superseded 18 & 19 Vict. c. 120, s. 90; 62 & 63 Vict. c. 14, s. 11; the Summary Jurisdiction Acts and the Quarter Sessions Act 1849.*]

134. [*Justices to deliver recognizances to the clerk to the commissioners. Semble superseded by the Summary Jurisdiction Acts and the Quarter Sessions Act 1849.*]

135. [*Proceedings not to be quashed for want of form or removed by certiorari.*]

136. [*Limitation of actions. Rep. in part by the Limitations of Actions and Costs Act 1842. Remr. superseded by the Public Authorities Protection Act 1893.**]

137. [*Powers conferred on commissioners and trustees to belong to vestrymen, committees, courts, and all other persons having the control of pavements. Superseded 18 & 19 Vict. c. 120, s. 90.*]

138. Provided also, . . . that neither any Act or Acts of Parliament relating either exclusively to the paving or repairing the pavements of the streets or public places in any parochial or other district within the jurisdiction of this Act, or relating thereto jointly with any other object or purpose, nor any clause, matter, or provision therein contained, shall be hereby repealed: but that the commissioners, trustees, or other persons by any such local Act or Acts of Parliament vested with the control or superintendence of the pavement of the streets and public places in every such parochial or other district shall retain and may exercise all and every the powers and authorities by all and every such local Act and Acts of Parliament conferred upon them or any of them; and that they may from time to time and at all times, either act under and upon all or any of the provisions, clauses, powers, and authorities of such Act or Acts of Parliament, or under any of the provisions, clauses, powers, and authorities of this Act, as they from time to time, upon each emergency or each particular occasion, may think proper and deem most expedient; but subject nevertheless to all the provisions contained in this Act as to the appointment of surveyors of the pavement in every parochial or other district, and as to the means hereby provided for compelling the speedy and effectual reparation of imperfect pavement in all streets and public places within the jurisdiction of this Act, and the regulation and improvement of such streets, and removal and prevention of nuisances and obstructions, according to the provisions of this Act.

Local Paving
Acts of Par-
liament not
hereby
repealed.

139—140. [*Provisions of the Act not to affect the estates of the Marquis Camden and Lord Somers in the parish of St. Pancras. Semble rep. 25 & 26 Vict. c. 102, s. 73.*]

141. [*Saving rights of certain commissioners of sewers. Superseded 11 & 12 Vict. c. 112.† See now 18 & 19 Vict. c. 120, s. 135.*]

142. Provided always, . . . that nothing in this Act contained shall extend or be construed to extend to authorize the taking down or removing any bar, gate, rail, or other fence fixed for preventing any thoroughfare into or from any square, street, or way, without the consent of the owner of the estate or property upon which such bars,

Nor to author-
ize the
making any
thoroughfare
without con-
sent of the
owner of the
estate.

* See Appendix.

† Rep. 38 & 39 Vict. c. 66 (S.L.R.).

gates, rails, or other fences, squares, streets, or ways shall be situate. [See 25 & 26 Vict. c. 102, s. 72; 53 & 54 Vict. c. cxxlvii.; and 56 & 57 Vict. c. lxxvi.]

143. [*Provisions of the Act not to extend to parishes of Saint Mary Islington and Saint John Hackney. Rep. 25 & 26 Vict. c. 102, s. 73.*]

Certain provisions in the Act of the 56 G. 3. c. 128, not to be affected by this Act.

144. [*Recites 56 Geo. 3, c. 128,* and proceeds:*] Nothing in this Act contained shall extend or be construed to extend or alter, abridge, repeal, or affect any of the said provisions in the said recited Act of the fifty-sixth year of the reign of His present Majesty contained, or to authorize or empower any surveyor of pavements or other person or persons, to remove or alter, or to require the removal or alteration of any porticoes, arcades, or other covered ways, bow windows, virandas, alcoves, balconies, pilaster columns, architectural ornaments, or other projections which have been heretofore or shall be hereafter authorized or permitted, by the commissioners for the time being for executing the said recited Act, to be made in or to any houses or other erections which shall have been or shall or may be erected or built in any of the streets, squares, circusses, ways, courts, passages, or places comprised within the provisions of the said recited Act of the fifty-sixth year of the reign of His present Majesty.

Houses, etc. within the parish of Saint Mary-le-bone, in the line of the new street, or in Mary-le-bone Park, to be rated at a specific sum.

145. And whereas by the said last-mentioned Act it was enacted, that such of the houses, buildings, lands, and hereditaments which were intended to be taken and used under the provisions and for the purposes of the first Act therein recited, as are situate in the parish of Saint Mary-le-bone, and also the houses and buildings to be erected on the said lands, should for ever thereafter, in making any rates or assessments for the paving, repairing, watching, lighting, and cleansing the several streets and other places in the said parish of Saint Mary-le-bone be charged and assessed thereto, as being altogether and in the whole of the yearly rent or value of six thousand and eighty-four pounds, and no more; and that the same should for ever thereafter be charged and assessed and rated at the said yearly rent of six thousand and eighty-four pounds, whether the rents or values of the same should be more or less: Be it therefore further enacted, That nothing herein contained shall be construed or extend to alter, repeal, or annul the provisions contained in the said recited Act of the fifty-sixth year of the reign of His present Majesty with relation thereto; but that all such houses, buildings, lands, and hereditaments comprised within the provisions of the said recited Act of the fifty-sixth year of His present Majesty's reign, as are situate within the said parish of Saint Mary-le-bone, shall for all the purposes of this Act be charged and assessed as being altogether and in the whole of the said yearly rent or value of six thousand and eighty-four pounds, and no more; and that the said sum of six thousand and eighty-four pounds shall at all times hereafter, and for all the purposes of this Act, be deemed and taken to be the annual rent or value of all such houses, buildings, lands, and hereditaments, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

Not to extend to the estates of the Collegiate Church

146. Provided also, . . . that nothing in this Act contained shall be construed to extend to the Collegiate Church of Saint Peter Westminster, which has a pavement of its own to maintain, or to such part or parts of the immediate close thereof which have been

* This Act was repealed by 5 Geo. 4, c. 100, s. 1.

hitherto exempt from paving rates; nor to give power to the commissioners or trustees or other persons having the control of the pavements of any parochial or other district under the operation of this Act, to purchase or to pull down any houses, walls, or buildings, being part of the said Collegiate Church, Westminster School, and the buildings thereto appertaining, situate within the ancient close of the same Collegiate Church, or in College Street, Dean Street, Smith Street, or The Sanctuary, and which are adjoining to Dean's Yard, or adjoining to any of the houses contiguous to Dean's Yard and the yards or playgrounds belonging to the same houses, anything herein contained to the contrary thereof in anywise notwithstanding.

147. [*Act not to affect turnpike roads. Spent. No turnpike roads now in London.*]

148. [*Act to be judicially noticed.*]

58 GEORGE III. A.D. 1818.

CHAPTER XXVIII.

AN ACT TO EXTEND AND AMEND THE POWERS OF THREE ACTS OF HIS PRESENT MAJESTY'S REIGN, FOR BUILDING THE WATERLOO BRIDGE, AND MAKING ROADS COMMUNICATING THEREWITH; AND TO AUTHORIZE THE RELINQUISHMENT OF THE REPAIRING, LIGHTING, AND WATCHING OF THE ROADS ON THE SOUTH SIDE OF THE BRIDGE, TO THE TRUSTEES OF THE SURREY NEW ROADS, ACTING UNDER TWO SEVERAL ACTS OF HIS PRESENT MAJESTY'S REIGN, FOR MAKING, WIDENING, AND KEEPING IN REPAIR CERTAIN ROADS IN THE SEVERAL PARISHES OF LAMBETH, NEWINGTON, SAINT GEORGE SOUTHWARK, BERMONDSEY, AND CHRISTCHURCH, IN THE COUNTY OF SURREY, AND FOR WATCHING AND LIGHTING THE SAID ROADS.

[8th May 1818.]

[*Preamble recites 49 Geo. 3, c. xcxi.; 53 Geo. 3, c. clxxxiv.; 56 Geo. 3, c. lxxiii.; 26 Geo. 3, c. 131; and 47 Geo. 3, c. cxv.**]

1—5. [*Power to raise a farther 75,000*l*. and financial provisions. Spent.*]

6—8. [*Powers to widen new road towards the Obelisk—To take further lands for the purposes of this Act and the recited Acts—Deposit of plan of the intended road and of such lands with the Clerk of the Peace for Surrey, and as to mistakes in books of reference. Spent.*]

9. [*Repeal of old and substitution of new tolls. Superseded 40 & 41 Vict. c. xcix.*]

10. And whereas the said Company have built and constructed two sets of stairs or plying places at the Surrey end of the said bridge, and the same are now used in lieu of the stairs or place called Cuper's Stairs, otherwise Cuper's Bridge Stairs [*recited as to Narrow Wall*]: be it therefore further enacted, that from and after the passing of this Act the said stairs or plying place called Cuper's Stairs, otherwise Cuper's Bridge Stairs, shall be shut up and discontinued as a public plying or landing place for watermen and

Cuper's
Bridge Stairs
to be discontinued.

* These Acts were repealed by 3 Geo. 4, c. cxiii., which was repealed by the Bermondsey, Lambeth and Southwark Orders in Council 1901, made under 62 & 63 Vict. c. 14.

others navigating upon the River Thames; and that it shall not be lawful for any waterman or watermen to ply for hire or assemble at the said stairs or plying place, nor to ply for hire or assemble upon any part of the footways or roads by the said recited Acts of the forty-ninth, fifty-third, and fifty-sixth years of the reign of His present Majesty, or this Act, authorized to be made, but only at the stairs or plying places built and constructed by the said Company, and in the recesses within the footways at the ends of the said Bridge. . . . [*Part omitted (penalties on watermen obstructing and using indecent language on bridge or roads). Seem obsolete. See also 2 & 3 Vict. c. 47, ss. 52, 54 (12).*]

Company
may lease
vaults under
the roads.

11. And whereas the said Company have made and constructed certain parts of the roads at each end of the bridge upon arches; be it further enacted, that the said Company shall have full power and authority to grant a lease or leases of the said arches, or any of them, to any person or persons whomsoever, for such term or terms of years, and for such considerations, in gross annual rents or other compensations, and on such conditions, as to the said Company shall seem meet. . . . [*Part omitted (as to application of rents) superseded 40 & 41 Vict. c. xcix.*]

12—15. [*Roads in Surrey placed under the direction of Trustees of the Surrey New Roads and powers of such trustees. Superseded 18 & 19 Vict. c. 120, s. 96.*]

For repair of
arches under
the road.

16. . . . Whenever any arch or arches under the said road, leading from the said bridge to the Obelisk aforesaid, shall be broken down or become dilapidated or out of repair, and the said Company or their lessee or lessees, or the occupier or occupiers of the said arch or arches, shall neglect or omit immediately thereafter to substantially rebuild, reinstate, or repair the same, then the clerk or surveyor for the time being of the said trustees shall give notice in writing of such breaking-down, dilapidations, or want of repair, to the said Company or their clerk, or to the said lessee or lessees, occupier or occupiers of the said arch or arches, immediately to rebuild, repair, or amend the same; and in case the said Company or their lessee or lessees, or the occupier or occupiers of the said arch or arches, shall neglect or refuse for the space of four days next after notice of such breaking-down, dilapidations, or want of repair as aforesaid, to proceed in such rebuilding or repair, then it shall be lawful to and for the said trustees, or their surveyor or surveyors as aforesaid, to cause the said arch or arches to be substantially rebuilt or repaired, as the case may be, and the costs, charges, and expences to be incurred thereby, together with the further sum of ten pounds by way of fine or penalty, shall be paid by the said Company or their treasurer or clerk, to the treasurer or treasurers of the said trustees: and in case the said Company or their treasurer or clerk shall not pay such sum or sums as shall be so laid out or incurred in such rebuilding or repair, as the case may be, together with the said sum of ten pounds, within ten days next after notice thereof shall be left at the office of the said Company, or at the dwelling-house or last place of abode of their treasurer or clerk (which notice shall be in writing signed by the said treasurer or clerk to the said trustees, and annexed to or written under a bill containing an account of such charges and expences), it shall be lawful to and for the said trustees or any seven or more of them, in the name of their treasurer or clerk, and

they and he are hereby respectively authorized and empowered, to bring or cause to be brought any action or actions against the said Company for the recovery of, and therein to recover, such sum or sums of money as shall or may be so laid out and expended or incurred, together with the said sum of ten pounds by way of fine or penalty, and full costs of suit. . . .

17. Provided always, . . . that the said Company shall at all times at their own costs and charges well and substantially support and uphold, repair, amend, preserve, and keep the arches under the said road from the bridge to the Obelisk aforesaid, in thorough, sound, and complete repair, fit and proper for the safety and due maintenance of the said road, and to the satisfaction and approbation of the treasurer for the time being of the trustees for putting into execution the said recited Acts of the twenty-sixth and forty-seventh years of the reign of His said present Majesty : and that it shall be lawful to and for the said Company or their committee, and their agents, servants, and workmen, from time to time, and at all times when occasion shall require, to come upon any part of the said road hereinbefore described, and so placed under the controul, superintendence, and management of the said trustees as aforesaid, after six hours previous notice, signed by their clerk, and given to the clerk of the said trustees, of their intention to break up the said road or any part thereof, for the purpose of rebuilding, repairing, putting, or keeping in repair all or any of the said arches, (they the said Company at their own costs and charges fencing such part or parts of the road as shall be so broken up, and during the rebuilding or repair of the said arches, and reinstating the said road, protecting and preserving the public from damage or accident, by placing proper lights and persons to guard the same, and restoring the said road, after such arch or arches shall be rebuilt, repaired, or amended, to the same state as before such road was broken up, or such arch or arches became dilapidated or out of repair) : and in the breaking up of the said road, rebuilding or repairing the said arches, and restoring the said road, all possible diligence shall be used by the said Company, their agents and servants. [*See note on Preamble.*]

Company may break up roads to repair arches.

18—20. [*As to tolls. Superseded 40 & 41 Vict. c. xcix.*]

21. Provided always, . . . that nothing in this Act, or in the said recited Acts made in the forty-ninth, fifty-third, and fifty-sixth years of the reign of His present Majesty contained, shall extend or be construed to extend so as to prohibit or prevent the erection of any building or buildings by the side or sides of the roads by the said recited Acts authorized to be made, or any part thereof, so that such building or buildings be at the distance of five feet or upwards from the side or sides of the same roads respectively, or to prevent the construction of any vaults or areas below the level of the said roads on the side or sides thereof; and that it shall be lawful for the trustees of the said roads to authorize and empower any person or persons who shall erect any house or houses on the side or sides of the said roads, or any part thereof, to construct any arch or arches under the said roads in front of such house or houses for the purpose of making any cellar or cellars, or otherwise, save and except under such parts of the said roads where arches have been already constructed by the said Company. [*See note on Preamble.*]

Buildings not to be erected within five feet of the roads.

22. [*Indemnifying Company for not conveying the commissioners under 49 Geo. 3, c. xcvi. Spent.*]

23. [*Saving rights of certain commissioners of sewers. Superseded 11 & 12 Vict. c. 112.* See now 18 & 19 Vict. c. 120, s. 135.*]

24—25. [*Extending provisions of former Acts to this Act.*]

26. [*Act to be judicially noticed.*]

SCHEDULE. [*Description of lands to be taken. Spent.*]

1 & 2 GEORGE IV. A.D. 1821.

CHAPTER LV.

AN ACT TO REPEAL CERTAIN PARTS OF, AND TO ALTER AND AMEND AN ACT PASSED IN THE FORTY-SIXTH YEAR OF THE REIGN OF HIS LATE MAJESTY KING GEORGE THE THIRD, FOR ENCLOSING LANDS IN THE MANOR OF LAMBETH, IN THE COUNTY OF SURREY. [7th May 1821.]

[*Preamble recites (inter alia) 46 Geo. 3, c. lvii. and that the commissioners under that Act by their award of 3rd March 1810 inter alia awarded to the Rector of the parish of St. Mary Lambeth, a piece of land on Rush Common containing thirty-one perches and numbered 1642 on the map attached to such award and allotted to the Archbishop of Canterbury Lord of the Manor of Lambeth in lieu of his right of soil in the common lands a piece of land at the northern extremity of Rush Common containing one acre and twenty-one perches numbered on the said map 1641 and also allotted to Robert Stone a certain other piece of land on Rush Common containing three acres two roods and fourteen perches numbered on the said map 1638, and further recites that the said commissioners did, in and by the said award, set out as a carriage road or drift-way, a road called Effra Road of the breadth of forty feet, numbered two in the said map branching out of the turnpike road leading from London to Croydon opposite to Acre Lane, and continuing in a southward direction along the eastern side of Rush Common, until it communicates with the road numbered three, next thereafter described called Cross Road; and recites that the said commissioners did also set out and award one other carriage road or drift-way, called Middle Road, of the breadth of forty feet, numbered thirteen in the said map, branching out of the said road called Cross Road, and continuing in a northward direction over Rush Common for the distance of ninety rods, and then branching westward to communicate with the turnpike road leading from London to Croydon and eastward to communicate with the before described road, number two; and further recites 58 Geo. 3, c. 45 (An Act for building and promoting the building of additional churches in populous parishes) and 59 Geo. 3, c. 134 amending the same, and that the inhabitants of the said parish at a meeting held in consequence of the said Act 58 Geo. 3, c. 45 had resolved that the parish should build four churches or chapels and that one of such churches or chapels should be at or near Brixton, and further recites that the pieces of ground so allotted to the said Archbishop of Canterbury and the Rector of the parish, together with one rood and sixteen perches of the said piece of ground allotted to Robert Stone together with the diversions or branches of the north end of the said Middle Road and such other part of the said Middle Road as lies between the said one rood and sixteen perches or thereabouts, of the said piece of*

* Repealed by 38 & 39 Vict. c. 66 (S.L.R.).

ground so allotted to the said Robert Stone, and the said piece of ground so allotted to the said Rector of the said parish, respectively situate at Brixton, have been deemed most eligible for the site of the church or chapel so intended to be built, and of a house or place of residence for the minister thereof, and for making a churchyard or cemetery to the said intended church or chapel.]

1. From and after the passing of this Act so much and such part of the said recited Act of the forty-sixth year of the reign of His said late Majesty King George the Third, as provides that no buildings or erections above the surface of the earth should thereafter be erected upon the narrow strip of waste land lying in front of Brixton Place, or upon the common called Rush Common, within the distance of one hundred and fifty feet from the turnpike road leading from London to Croydon, being the boundary thereof on the one side, or within the distance of two hundred feet from the old inclosures, being the boundaries thereof on the east and south sides, nor upon any other of the common lands or wood grounds thereby intended to be divided or inclosed, within the distance of one hundred feet in front of any messuage or dwelling-house then erected upon any land adjoining thereto, without such consent as therein mentioned, shall, so far as respects the said diversions or branches of the north end of the said Middle Road, and such other part of the said Middle Road as lies between the said allotment of the said Rector of Lambeth, and the said one rood and sixteen perches or thereabouts, of the said piece of ground so allotted to the said Robert Stone, and such last-mentioned part of the said last-mentioned allotment, and the whole of the said allotments of the said Archbishop of Canterbury and Rector of Lambeth, number one thousand six hundred and forty-two and one thousand six hundred and forty-one, henceforth be and the same is hereby repealed and made void.

Repealing a certain part of the said Act as to buildings.

2. Provided nevertheless, that nothing in this Act contained shall be construed to extend to give authority for any building or erection upon the said pieces or parcels of ground, any or either of them, other than a church or chapel, and a house or place for the residence of the minister thereof, and the walls, fences, or other inclosures of the burial ground or cemetery, and such offices, buildings, and appurtenances as may be deemed requisite, suitable, or convenient for the use of the said church, cemetery, and minister's house and place of residence, or any or either of them.

Not to authorize other buildings than a church, etc.

3—4. [*Repeal of so much of 46 Geo. 3, c. lvii. as required adjoining owners and occupiers to repair the residue of Middle Road and the whole of Effra Road and the roads numbered on the map on the said Award No. 5 (Knightshill Road), No. 8 (Elder Road), No. 10 (Clayland Road), No. 11 (Beaulieu Road), and No. 12 (Gypsy House Road).]*

5. . . . From and after the passing of this Act, the said Effra Road, and the said roads numbered five, eight, ten, eleven, and twelve, and the said residue of the said Middle Road, shall be and become common highways of the parish of Saint Mary Lambeth aforesaid, and be kept, repaired, and amended by the surveyor or surveyors of the highways thereof as other parish highways.

That such roads shall become parish highways.

6. [*Act to be judicially noticed.*]

3 GEORGE IV. A.D. 1822.

CHAPTER CVI.

AN ACT TO REPEAL THE ACTS NOW IN FORCE RELATING TO BREAD TO BE SOLD IN THE CITY OF LONDON AND THE LIBERTIES THEREOF, AND WITHIN THE WEEKLY BILLS OF MORTALITY, AND TEN MILES OF THE ROYAL EXCHANGE; AND TO PROVIDE OTHER REGULATIONS FOR THE MAKING AND SALE OF BREAD, AND PREVENTING THE ADULTERATION OF MEAL, FLOUR, AND BREAD, WITHIN THE LIMITS AFORESAID. [22nd July 1822.]

[Preamble.]

1. [*Repeal of 55 Geo. 3, c. xcix., 59 Geo. 3, c. cxxvii., 60 Geo. 3, c. i., and 1 Geo. 4, c. iv. continued to 29th Sept. 1822.*]

Bread made of the articles herein mentioned may be sold.

2. . . . It shall and may be lawful for the several bakers or sellers of bread within the city of London and the liberties thereof, within the weekly bills of mortality, and within ten miles of the Royal Exchange, to make and sell, or offer for sale, in his, her, or their shop, or deliver to his, her, or their customer or customers, bread made of flour, or meal of wheat, barley, rye, oats, buck wheat, Indian corn, peas, beans, rice, or potatoes, or any of them, and with any common salt, pure water, eggs, milk, barm, leaven, potatoe, or other yeast, and mixed in such proportions as they shall think fit, and with no other ingredient or matter whatsoever, subject to the regulations hereinafter contained.

Bakers to make bread of any weight or size.

3. . . . It shall and may be lawful for the several bakers or sellers of bread within the limits aforesaid, to make and sell, or offer for sale, in his, her, or their shop, or to deliver to his, her, or their customer or customers, bread made of such weight or size as such bakers or sellers of bread shall think fit: any law or usage to the contrary notwithstanding.

Bread to be sold by weight, and in no other manner under penalty not exceeding 40s.

4. . . . From and after the commencement of this Act, all bread sold within the limits aforesaid, shall be sold by the several bakers or sellers of bread respectively within the said limits by weight; and in case any baker or seller of bread within the limits aforesaid shall sell, or cause to be sold, bread in any other manner than by weight, then and in such case every such baker or seller of bread shall, for every such offence, forfeit and pay any sum not exceeding forty shillings, which the Magistrate or Magistrates, Justice or Justices, before whom such offender or offenders shall be convicted, shall order and direct: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or hinder any such baker or seller of bread from selling bread usually sold under the denomination of French or fancy bread, or rolls, without previously weighing the same.

Not to extend to French or fancy bread, or rolls.

Penalty on bakers using any other weight than avoirdupoise weight, not exceeding 5l. nor less than 40s.

5. . . . The several bakers or sellers of bread respectively within the said limits, in the sale of bread shall use the avoirdupoise weight of sixteen ounces to the pound, according to the standard in the Exchequer, and the several gradations of the same for any less quantity than a pound: and in case any such baker or seller of bread shall at any time use any other than the avoirdupoise weight, and the several gradations of the same, he, she, or they shall, for every such offence, forfeit and pay any sum not exceeding five pounds, . . . as the Magistrate or Magistrates, Justice or Justices, before whom such conviction shall take place, shall from time to time

order and adjudge. [*Part omitted superseded by the Summary Jurisdiction Acts.*]

6—7. [*Peck loaf and its subdivisions not to be sold during next 2 years—Penalty for selling within next 2 years bread not weighed in customer's presence. Spent.*]

8. . . . Every baker or seller of bread within the limits aforesaid, shall cause to be fixed in some conspicuous part of his, her, or their shop, on or near the counter, a beam and scales with proper weights, or other sufficient balance, in order that all bread there sold may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid; and in case any such baker or seller of bread shall neglect to fix such beam and scales, or other sufficient balance, in manner aforesaid, or to provide and keep for use proper beam and scales and proper weights or balance, or shall have or use any incorrect or false beam or scales or balance, or any false weight not being of the weight it purports to be, according to the standard in the Exchequer, then and in every such case, he, she, or they shall, for every such false beam and scales and balance, or false weight, forfeit and pay any sum not exceeding five pounds, which the Magistrate or Magistrates, Justice or Justices, before whom such offender or offenders shall be convicted, shall order and direct. [*See also the Weights and Measures Act 1878, s. 25.*]

Bakers to provide in their shops beams, scales and weights, etc. and to weigh bread, etc.

Under a penalty not exceeding 5*l.*

9. . . . Every baker or seller of bread within the limits aforesaid, and every journeyman, servant, or other person employed by such baker or seller of bread, who shall convey or carry out bread for sale in any cart or other carriage, drawn by a horse, mule, or ass, shall be provided with, and shall constantly carry in such cart or other carriage, a correct beam and scales with proper weights, or other sufficient balance, in order that all bread sold by every such baker or seller of bread, or by his or her journeyman, servant, or other person, may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid; and in case any such baker or seller of bread, or his or her journeyman, servant, or other person, shall at any time carry out or deliver any bread, without being provided with such beam and scales with proper weights, or other sufficient balance, or whose weights shall be deficient in their due weight according to the standard in the Exchequer, or shall at any time refuse to weigh any bread purchased of him, her, or them, or delivered by his, her, or their journeyman, servant, or other person, in the presence of the person or persons purchasing or receiving the same; then and in every such case every such baker or seller of bread shall, for every such offence, forfeit and pay any sum not exceeding five pounds, which the Magistrate or Magistrates, Justice or Justices, before whom such offender or offenders shall be convicted, shall order and direct. [*See the Weights and Measures Act 1889, s. 32.**]

Bakers and sellers of bread, and other persons delivering by cart, etc. to be provided with beams, scales, and weights, etc. for weighing bread.

Under a penalty not exceeding 5*l.*

10. . . . No baker or other person or persons who shall make bread for sale within the limits aforesaid, nor any journeyman or other servant of any such baker or other person, shall at

Bread not to be adulterated under a penalty not exceeding

* S. 32 of the Weights and Measures Act 1889 is as follows: "32. Nothing in the enactments referred to in the fourth Schedule to this Act shall render any baker or seller of bread, or the journeyman, servant, or other person employed by such baker or seller of bread, liable to any forfeiture or penalty for refusing to weigh in the presence of the purchaser any bread conveyed or carried out in any cart or other carriage, unless he is requested so to do by or on behalf of the purchaser." The fourth Schedule of the 1889 Act refers (*inter alia*) to 3 Geo. 1. c. cvi. s. 9.

10*l.* nor less
than 5*l.*

Names of
offenders to
be published.

Corn, meal,
or flour not
to be adulterated, nor
shall any
flour of one
sort of corn
be sold as
the flour of
any other
sort, on
penalty not
exceeding
20*l.* nor less
than 5*l.*

Bread made
of mixed
meal or flour
to be marked
with a
Roman M.

Penalty for
neglect not
exceeding
10*s.*

any time or times, in the making of bread for sale within such limits, use any mixture or ingredient whatsoever in the making of such bread, other than and except as hereinbefore mentioned, on any account or under any colour or pretence whatsoever, upon pain that every such person, whether master or journeyman, servant or other person, who shall offend in the premises, and shall be convicted of any such offence, by the oath, or in case of a Quaker, by affirmation, of one or more credible witness or witnesses, or by his, her, or their own confession, shall for every such offence forfeit and pay any sum not exceeding ten pounds. . . . or in default thereof shall, by warrant under the hand and seal or hands and seals of the Magistrate or Magistrates, Justice or Justices, before whom such offender shall be convicted, be apprehended and committed to the house of correction, or some prison of the city, county, borough, or place where the offence shall have been committed or the offender or offenders shall be apprehended, there to remain. . . . unless the penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices, shall think fit and order: and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such offender or offenders shall be convicted, to cause the offender's name, place of abode, and offence, to be published in some newspaper which shall be printed or published in or near the city of London or the liberty of Westminster, and to defray the expense of publishing the same out of the money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered. [*Parts omitted (as to fine and imprisonment) superseded by the Summary Jurisdiction Acts.*]

11. . . . If any person within the limits aforesaid, shall put into any corn, meal, or flour, which shall be ground, dressed, bolted, or manufactured for sale within such limits, either at the time of grinding, dressing, bolting, or manufacturing the same, or at any other time, any ingredient or mixture whatsoever, not being the real and genuine produce of the corn or grain which shall be so ground: or if any person shall, within the limits aforesaid, knowingly sell, or offer or expose, for sale, either separately or mixed, any meal or flour of one sort of corn or grain, as the meal or flour of any other sort of corn or grain, or any ingredient whatsoever mixed with the meal or flour so sold or offered or exposed for sale: then and in every such case every person so offending shall, upon conviction before any one or more Magistrate or Magistrates, Justice or Justices of the city, county, borough, or place where such offence shall have been committed, on the oath, or in case of a Quaker by affirmation, of one or more credible witness or witnesses, or by his, her, or their own confession, forfeit and pay, for every such offence, any sum not exceeding twenty pounds. . . . [*Note to section 10 applies to part omitted (as to amount of penalty).*]

12. . . . Every person who shall make for sale, or sell or expose for sale, within the limits aforesaid, any bread, made wholly or partially of the meal or flour of any other sort of corn or grain than wheat, or of the meal or flour of any peas or beans, shall cause all such bread to be marked with a large Roman M; and if any person shall at any time, within the limits aforesaid, make or sell, or expose for sale, any such bread without such mark as hereinbefore directed, then and in every such case, every person so offending shall, upon conviction in manner herein-

after mentioned, forfeit and pay for every pound weight of such bread, and so in proportion for any less quantity, which shall be so made for sale or sold or exposed for sale, without being so marked as aforesaid, any sum not exceeding ten shillings, as the Magistrate or Magistrates, Justice or Justices, before whom such conviction shall take place, shall from time to time order and adjudge.

13. . . . It shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within the limits of their respective jurisdictions, and also for any peace officer or officers, authorised by warrant under the hand and seal or hands and seals of any such Magistrate or Magistrates, Justice or Justices (and which warrant any such Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to grant), at seasonable times in the day-time, to enter into any house, mill, shop, stall, bakehouse, boltinghouse, pastry warehouse, outhouse or ground of or belonging to any miller, mealman, or baker, or other person who shall grind grain, or dress or bolt meal or flour, or make bread for reward or sale, within the limits aforesaid, and to search or examine whether any mixture or ingredient not the genuine produce of the grain such meal or flour shall import or ought to be, shall have been mixed up with or put into any meal or flour in the possession of such miller, mealman, or baker, either in the grinding of any grain at the mill, or in the dressing, bolting, or manufacturing thereof, whereby the purity of any meal or flour is or shall be in anywise adulterated; or whether any mixture or ingredient, other than is allowed by this Act, shall have been mixed up with or put into any dough or bread in the possession of any such baker or other person, whereby any such dough or bread is or shall be in anywise adulterated; and also to search for any mixture or ingredient which may be intended to be used in or for any such adulteration or mixture; and if on any such search, it shall appear that any such meal, flour, dough, or bread, so found, shall have been so adulterated by the person in whose possession it shall then be, or any mixture or ingredient shall be found, which shall seem to have been deposited there in order to be used in the adulteration of meal, flour, or bread; then and in every such case, it shall be lawful for every such Magistrate or Magistrates, Justice or Justices of the Peace, or officer or officers authorized as aforesaid respectively, within the limits of their respective jurisdictions, to seize and take any meal, flour, dough, or bread which shall be found in any such search, and deemed to have been adulterated, and all ingredients and mixtures which shall be found and deemed to have been used or intended to be used in or for any such adulteration as aforesaid; and such part thereof as shall be seized by any peace officer or officers authorized as aforesaid, shall, with all convenient speed after seizure, be carried to the nearest resident Magistrate or Magistrates, Justice or Justices of the Peace, within the limits of whose jurisdiction the same shall have been so seized; and if any Magistrate or Magistrates, Justice or Justices, who shall make any such seizure in pursuance of this Act, or to whom anything so seized under the authority of this Act shall be brought, shall adjudge that any such meal, flour, dough, or bread so seized shall have been adulterated by any mixture or ingredient put therein, other than is allowed by this Act, or shall adjudge that any ingredient or mixture so found as aforesaid shall have been deposited or kept where so found for the purpose of adulterating meal, flour, or

Magistrates or peace officers, by their warrants, may search a baker's premises, and if any adulterated flour, bread, etc., be found, the same may be seized and disposed of.

bread : then and in any such case, every such Magistrate or Magistrates, Justice or Justices of the Peace, is and are hereby required, within the limits of their respective jurisdictions, to dispose of the same as he or they, in his or their discretion, shall from time to time think proper.

14. . . . Every miller, mealman, or baker, within the limits aforesaid, in whose house, mill, shop, stall, bakehouse, bolting-house, pastry warehouse, outhouse, ground, or possession, any ingredient or mixture shall be found, which shall, after due examination, be adjudged by any Magistrate or Magistrates, Justice or Justices of the Peace, to have been deposited there for the purpose of being used in adulterating meal, flour, or bread, shall, on being convicted of any such offence, either by his, her, or their own confession, or by the oath, or in the case of a Quaker, by affirmation, of one or more credible witness or witnesses, forfeit and pay, on every such conviction, any sum of money not exceeding ten pounds . . . for the first offence ; five pounds for the second offence, and ten pounds for every subsequent offence ; or in default of payment thereof, shall, by warrant under the hand and seal or hands and seals of the Magistrate or Magistrates, Justice or Justices before whom such offender shall be convicted, be apprehended and committed to the house of correction, or some prison of the city, county, or place where the offence shall have been committed, or the offender or offenders shall be apprehended, there to remain, . . . (unless the penalty be sooner paid) as any such Magistrate or Magistrates, Justice or Justices, shall think fit and order ; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such offender shall be convicted, to cause the offender's name, place of abode, and offence, to be published in some newspaper which shall be printed or published in or near the city of London, and to defray the expense of publishing the same out of the money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered. [*Note to section 10 applies to parts omitted (as to fine and imprisonment).*]

15. . . . If any person or persons shall wilfully obstruct or hinder any such search as hereinbefore is authorized to be made, or the seizure of any meal, flour, dough, or bread or of any ingredient or mixture which shall be found on any such search, and deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal, flour, dough, or bread, or shall wilfully oppose or resist any such search being made, or the carrying away any such ingredient or mixture as aforesaid, or any meal, flour, dough, or bread, which shall be seized as being adulterated, or as not being made pursuant to this Act, he, she, or they so doing or offending in any of the cases last aforesaid, shall for every such offence, on being convicted thereof, forfeit and pay such sum, not exceeding ten pounds, as the Magistrate or Magistrates, Justice or Justices, before whom such offender or offenders shall be convicted, shall think fit and order : Provided also, that if any person making or who shall make bread for sale within the limits aforesaid, shall at any time make complaint to any Magistrate or Magistrates, Justice or Justices of the Peace, within his or their jurisdiction, and make appear to him or them, by the oath, or in the case of a Quaker, by affirmation of any credible witness, that any offence which such person shall have been charged with, and for which he or she shall have incurred and paid any

Penalty on persons in whose house, shop, or other premises, ingredients for the adulteration of meal or bread shall be found :

First offence not exceeding 10*l*.

Second offence, 5*l*..

and 10*l*. for every subsequent offence.

Names of offenders to be published.

Penalty not exceeding 10*l*. for obstructing any search authorized by this Act.

Offences occasioned by the wilful default of journeymen and servants, how to be punished.

penalty under this Act, shall have been occasioned by or through the wilful act, neglect, or default of any journeyman or other servant employed by or under such person so making complaint, then and in any such case, any such Magistrate or Magistrates, Justice or Justices, may and is or are hereby required to issue out his or their warrant, under his or their hand and seal, or respective hands and seals, for bringing any such journeyman or servant before any such Magistrate or Magistrates, Justice or Justices, or any Magistrate or Justice of the Peace acting in and for the city, county, division, or place where the offender can be found, and on any such journeyman or servant being thereupon apprehended and brought before any such Magistrate or Magistrates, Justice or Justices, he or they, within his or their respective jurisdiction, is and are hereby authorized and required to examine into the matter of such complaint, and on proof thereof upon oath or affirmation to the satisfaction of any such Magistrate or Magistrates, Justice or Justices of the Peace, who shall hear such complaint, then any such Magistrate or Magistrates, Justice or Justices is and are hereby directed and authorized, by any order under his or their respective hand or hands, to adjudge and order what reasonable sum of money shall be paid by any such journeyman or servant to his master or mistress, as or by way of recompence to him or her for the money he or she shall have paid by reason of the wilful act, neglect, or default of any such journeyman or servant; and if any such journeyman or servant shall neglect or refuse, on his conviction, to make immediate payment of the sum of money which any such Magistrate or Magistrates, Justice or Justices, shall order him to pay by reason of such his said wilful neglect or default, then any such Magistrate or Magistrates, Justice or Justices, within his or their respective jurisdiction, is or are hereby authorized and required, by warrant under his or their hand and seal, or hands and seals, to cause such journeyman or servant to be apprehended and committed to the house of correction, or some other prison of the city, county, division, or place, in which such journeyman or servant shall be apprehended or convicted, to be there kept to hard labour for any term not exceeding six calendar months from the time of such commitment. . . . [Note to section 10 applies to part omitted (as to payment of penalty).]

16. Provided always, . . . that no master, mistress, journeyman, or other person respectively, exercised or employed in the trade or calling of a baker within the limits aforesaid, shall, on the Lord's Day, or on any part thereof, make or bake any bread, rolls, or cakes of any sort or kind; or shall, on any other part of the said day than between the hours of nine of the clock in the forenoon and one of the clock in the afternoon, on any pretence whatsoever, sell or expose to sale, or permit or suffer to be sold or exposed to sale, any bread, rolls, or cakes, of any sort or kind: or bake or deliver, or permit or suffer to be baked or delivered, any meat, pudding, pie, tart, or victuals, except as hereinafter is excepted, or in any other manner exercise the trade or calling of a baker, or be engaged or employed in the business or occupation thereof, save and except so far as may be necessary in setting and superintending the sponge to prepare the bread or dough for the following day's baking; and every person offending against the last-mentioned regulations, or any one or more of them, or making any sale or delivery hereby allowed otherwise than within the bake-house or shop, and being thereof convicted before any Justice of the

Bakers shall not bake bread or rolls on the Lord's Day,

nor sell bread, nor bake bread, pies, etc. except between certain hours.

Penalty for
the first
offence 10s.,
for the second
offence 20s.,
and for every
subsequent
offence 40s.

Peace of the city, county, or place where the offence shall be committed, within six days from the commission thereof, either upon the view of such Justice, or on confession by the party, or proof by one or more credible witness or witnesses upon oath or affirmation, shall for every such offence pay and undergo the forfeiture, penalty, and punishment hereinafter mentioned; (that is to say), for the first offence the penalty of ten shillings; for the second offence the penalty of twenty shillings; and for the third and every subsequent offence respectively the penalty of forty shillings; and shall moreover, upon every such conviction, bear and pay the costs and expences of the prosecution, such costs and expences to be assessed, settled, and ascertained by the Justice convicting, and the amount thereof, together with such part of the penalty as such Justice shall think proper to be allowed to the prosecutor or prosecutors for loss of time in instituting and following up the prosecution, at a rate not exceeding three shillings per diem, and to be paid to the prosecutor or prosecutors for his, her, and their own use and benefit, and the residue of such penalty to be paid to such Justice, and within seven days after his receipt thereof to be transmitted by him to the churchwardens or overseers of the parish or parishes where the offence shall be committed, to be applied for the benefit of the poor thereof: and in case the whole amount of the penalty, and of the costs and expences aforesaid, be not forthwith paid after conviction of the offender or offenders, such justice shall and may, by warrant under his hand and seal, direct the same to be raised and levied by distress and sale of the goods and chattels of the offender or offenders; and in default or insufficiency of such distress, commit the offender or offenders to the house of correction, on a first offence for the space of seven days, for a second offence for the space of fourteen days, and on a third or any subsequent offence for the space of one month, unless the whole of the penalty, costs, and expences be sooner paid and discharged: Provided nevertheless, that it shall be lawful for every master or mistress baker, residing within the limits aforesaid, to deliver to his or her customers, on the Lord's Day, any bakings until half an hour past one of the clock in the afternoon of that day, without incurring or being liable to any of the penalties in this Act contained.

Bakings may
be delivered
till half past
one on
Sundays.

No miller,
mealman, or
baker to act
as a Justice
of Peace in
the execution
of this Act
on penalty
of 100l.

17. Provided always, . . . that no person who shall follow or be concerned in the business of a miller, mealman, or baker, shall be capable of acting or shall be allowed to act as a Justice of the Peace under this Act, or in putting in execution any of the powers in or by this Act granted; and if any miller, mealman, or baker shall presume so to do, he or they so offending in the premises shall, for every such offence, forfeit and pay the sum of one hundred pounds, to any person or persons who will inform or sue for the same, to be recovered, together with full costs of suit, in any of His Majesty's Courts of Record at Westminster.

Penalty not
exceeding
10l. on per-
sons opposing
the execution
of this Act.

18. . . . In case any person or persons shall resist or make forcible opposition against any person or persons employed in the due execution of this Act, every such person offending therein shall for every such offence forfeit any sum not exceeding ten pounds, at the discretion of the Magistrate or Magistrates, Justice or Justices of the Peace, before whom he or she shall be convicted of such offence.

Recovery and
application
of penalties
and for-
feitures.

19. . . . All penalties, forfeitures, and fines by this Act inflicted or authorized to be imposed, (the manner of levying and recovering and applying whereof is not herein otherwise directed), shall upon proof and conviction of the offences respectively before

any Magistrate or Justice of the Peace for the city, county, or place where the offence shall have been committed as the case may require), either by the confession of the party offending, or by the oath (or in case of a Quaker on affirmation) of any credible witness or witnesses, (which oath or affirmation every such Magistrate or Justice is in every such case hereby fully authorized to administer), be levied, together with the costs attending the information and conviction, by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand and seal of such Magistrate or Justice : . . . but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such Magistrate or Justice of the Peace as aforesaid, and he is hereby authorized and required, by warrant or warrants under his hand and seal, to cause such offender or offenders to be committed to the common gaol or house of correction of the city, county, or place where the offender shall be or reside, there to remain without bail or mainprize for any time not exceeding one calendar month, (save and except as herein otherwise directed), unless such penalties, forfeitures, and fines, and all reasonable charges attending the same, shall be sooner paid and satisfied ; and the monies arising by such penalties, forfeitures, and fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from time to time paid, one moiety thereof to the informer or person suing for and recovering the same, and the other moiety to the churchwardens or overseers of the poor of the parish or place in which such offence shall have been committed, to be by them applied and disposed for the benefit of the poor thereof. [*Note to section 10 applies to part omitted (as to distress).* See also 2 & 3 Vict. c. 71, s. 34.]

20—25. [*Forms of summons, information, and conviction—Laying of information—Summoning witnesses—False evidence, perjury. Superseded by the Summary Jurisdiction Acts.*]

26. . . . No order, judgment, or conviction made touching or concerning any of the matters in this Act contained, or of any proceedings to be had touching the conviction of any offender or offenders against this Act, shall be quashed for want of form, or be removed or removable by certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster. . . . [*Parts omitted (as to distress) superseded by the Summary Jurisdiction Acts.*]

Proceedings
not to be
quashed for
want of form.

27. Provided always, . . . that if any person or persons convicted of any offence punishable by this Act, shall think him, her, or themselves aggrieved by the judgment of the Magistrate or Magistrates, Justice or Justices, before whom he, she, or they shall have been convicted, it shall be lawful for such person or persons from time to time to appeal to the justices at the next General or General Quarter Sessions of the Peace which shall be held for the city, county, division, liberty, town, or place where such judgment shall have been given ; and that the execution of such judgment shall in such case be suspended. . . . [*Part omitted (as to procedure on appeal) superseded by the Summary Jurisdiction Acts.*]

Appeal
allowed on
entering into
recognizance.

28. [*As to appeal in case of conviction within six days of Quarter Sessions. Superseded by the Summary Jurisdiction Acts.*]

29—30. [*Limitation of Actions—General issue may be pleaded and treble costs. Rep. in part by the Limitations of Actions and*

Costs Act 1842, ss. 3, 5. Remr. superseded by the Public Authorities Protection Act 1893.]*

Limiting time
of informa-
tion.

31. Provided also, . . . that no person shall be convicted of any offence under this Act, unless the complaint is made within forty-eight hours after the offence shall have been committed, except in cases of perjury; and that no person who shall be prosecuted to conviction for any offence done or committed against this Act, shall be liable to be prosecuted for the same offence under any other law.

Application
of penalties.

32. . . . All penalties and forfeitures by this Act inflicted, the application of which is not hereinbefore directed, shall, when recovered or paid, go and be disposed of in manner following: (that is to say) one moiety thereof, where any offender or offenders shall be convicted, either by his, her or their confession, or by the oath or affirmation of one or more credible witness or witnesses, shall go and be paid to the person or persons who shall inform against and prosecute to conviction any such offender or offenders: and the other moiety thereof, or in case there be no such person informing, then the whole thereof shall go and be paid to the churchwardens and overseers of the poor of the parish or parishes, for the use of the poor in the parish wherein such offence shall be committed, in such manner as such churchwardens and overseers of the poor shall in their discretion think fit. [*See 2 & 3 Vict. c. 71, s. 34.*]

Saving rights
to the cities
of London
and West-
minster, etc.

33. Provided always, . . . that this Act, or anything herein contained, shall not extend or be construed to extend in any way to affect, lessen, or infringe upon the rights and privileges of the city of London, or of the Worshipful Company of Bakers of the said city, or of the Wardmote Inquests of the said city, or of the city or liberties of Westminster, or borough of Southwark; or any right or custom of any lord or lords of any leets, or the rights of any clerk or clerks of the market, in any place, which may be exercised and enjoyed by them or any of them, by virtue of any charters, bye laws, prescriptions, usages, customs, privileges, grants, or Acts of Parliament; but that all such rights and privileges shall be held, exercised, and enjoyed by the parties respectively entitled thereto, as fully and amply, to all intents and purposes, as the same were held, exercised, and enjoyed before the passing of this Act; anything herein contained to the contrary notwithstanding.

34. [*Commencement of Act (29th September 1822). Spent.*]

35. [*Act to be judicially noticed.*]

5 GEORGE IV. A.D. 1824.

CHAPTER CXII.

AN ACT FOR BUILDING A BRIDGE OVER THE RIVER THAMES, FROM THE HAMLET OF HAMMERSMITH IN THE COUNTY OF MIDDLESEX TO THE PARISH OF BARNES IN THE COUNTY OF SURREY, AND FOR MAKING CONVENIENT ROADS AND AVENUES TO COMMUNICATE WITH SUCH BRIDGE. [*9th June 1824.*]

[*Preamble.*]

1—62. [*Incorporation of the Hammersmith Bridge Company, with a capital of 100,000*l.* (and a further 20,000*l.* if necessary) —Financial provisions and Company's procedure. Spent. See 40 & 41 Vict. c. xcix.*]

* See Appendix.

63—64. [*Company authorized to construct a bridge from the Lower Mall at Hammersmith to the opposite bank in the parish of Barnes, with convenient roads and approaches: and in case bridge becomes dangerous, to provide a temporary bridge or ferry while repairing or rebuilding. Spent. See 46 & 47 Vict. c. clxxvii. ss. 6, 8.*]

65. [*Power to lease or rent places for materials. Spent.*]

66. . . . It shall be lawful for the said Company or their committee of management to make or cause to be made one or more proper and commodious road or roads from the north end of the said intended bridge, to communicate with the turnpike road or street at Hammersmith aforesaid, and also one or more proper and commodious road or roads, to make a communication between the said intended bridge and the village of Barnes and the roads leading from London to Richmond. . . . [*Part omitted (as to taking lands for roads) spent. See also 9 Geo. 4, c. lii. s. 6.*]

67—70. [*Deposit of plans with the Clerks of the Peace for Middlesex and Surrey—Limits of deviation and provisions as to taking lands. Spent.*]

71—75. [*Company to invest 10,000*l.* in names of trustees before purchasing lands or beginning works—Preservation of towing path on the Thames—Consent of the Corporation of London to works in river—Company to fence roads and erect direction posts. Spent in part. Remr. superseded 40 & 41 Vict. c. xcix. s. 16; 46 & 47 Vict. c. clxxvii.; and 57 & 58 Vict. c. clxxxvii.**]

76—105. [*As to the acquisition of lands, assessment of compensation, and application of purchase money. Spent.*]

106—110. [*Power to take materials from rivers, wastes, Barnes Common and the Thames for purposes of the Act, and to provide repositories for materials. Rep. as to Barnes Common 9 Geo. 4, c. lii., s. 13, remr. semble spent: and see 40 & 41 Vict. c. xcix. and 46 & 47 Vict. c. clxxvii.*]

111. . . . It shall be lawful for the said Company or their committee, and they are hereby empowered and required, from time to time to cause such and so many lamp irons or lamp posts to be put up or affixed in, upon, or along the sides of the said bridge, and in, upon, or along the sides of the said roads, (save and except such parts thereof as shall have houses on both sides.) and also to cause such number of lamps, of such sizes and sorts, to be provided and affixed, or put up such lamp irons and lamp posts, as they shall think necessary for lighting the said bridge and roads, and every or any part thereof, and to cause the said lamps to be lighted as and when they shall think proper.

112. . . . It shall be lawful for the said Company or their committee from time to time to contract and agree with any company of proprietors, or with any other person or persons, to light the said bridge, roads, and other public places, or any of them, with gas, oil, or otherwise, as to the said Company or committee shall from time to time seem proper and expedient, and to provide and set up all works necessary for such purposes.

113—118. [*As to laying of gas pipes on the bridge and approaches, preventing contamination of water by gas, and penalties for damaging gas pipes and for concealing gas wastes into any stream, etc. Semble spent: and see the Gas Works Clauses Act 1847, ss. 19—28; 40 & 41 Vict. c. xcix.; and 46 & 47 Vict. c. clxxvii. ss. 26, 27.*]

* See Appendix.

119. [*Placements not to be taken up without Company's consent. Semble obsolete. See also 57 Geo. 3, c. xxix. s. 53; 18 & 19 Vict. c. 120, s. 109; 40 & 41 Vict. c. xcix. s. 15, and 46 & 47 Vict. c. clxxvii. s. 26.*]

120. [*Power to appoint watchmen. Superseded 10 Geo. 4, c. 44, s. 4.*]

121—136. [*As to tolls. Superseded 40 & 41 Vict. c. xcix. s. 16.*]

Bridge to be
public upon
payment of
tolls, and
half in each
county.

137. . . . The half of the said bridge, when built, next adjoining to the county of Middlesex shall be deemed to be in the county of Middlesex, and part of and in the parish of Fulham, and the other half of the said bridge adjoining to the county of Surrey shall be deemed to be in the said county of Surrey, and part of and in the parish of Barnes. . . . [*Parts omitted (as to tolls, and bridge not to be a county bridge) superseded 40 & 41 Vict. c. xcix.; and 58 & 59 Vict. c. cxxvii. s. 46.*]

138—139. [*Company to continue trustees of the bridge and to be indictable for failure of repairs. Spent. See 40 & 41 Vict. c. xcix. s. 16; and 46 & 47 Vict. c. clxxvii.*]

140. [*For preventing wilful damage to the bridge. Superseded 18 & 19 Vict. c. 120, ss. 206, 207, and the Malicious Damage Act 1861, ss. 33, 34.*]

141—142. [*Owners of vessels liable for damage to bridge and works—Masters to recover from servants sums paid for servants' defaults. Semble spent. See 46 & 47 Vict. c. clxxvii.*]

143—144. [*As to watchmen. Superseded 10 Geo. 4, c. 44, s. 4.*]

Penalty on
assaulting
collectors,
etc.

145. . . . In case any person or persons shall resist or make forcible opposition against any person or persons employed in the due execution of this Act, or shall assault any surveyor, engineer, or agent . . . in the execution of his or their office or offices, . . . every such person shall for every such offence forfeit and pay any sum not exceeding five pounds. [*Part omitted (as to collectors and tolls) superseded 40 & 41 Vict. c. xcix. s. 16.*]

146—153. [*Penalties for damaging milestones, lamps, etc.—Obstructions and nuisances on bridge and roads—Hedges to be cut—Cattle found straying. Spent. See also 57 Geo. 3, c. xxix. s. 8; the Highways Acts 1835, ss. 66, 72, 73, and 1864, s. 25; 2 & 3 Vict. c. 47, ss. 54, 60; 18 & 19 Vict. c. 120, ss. 119, 205—207; 45 Vict. c. lvi. s. 41; and 55 & 56 Vict. c. cxxxviii. s. 40.*]

154—161. [*Recovery of penalties—Company may give informers half penalties—Collectors to give evidence—Compelling attendance of witnesses—Transient offenders—Procedure for offences and appeals to Quarter Sessions. Spent in part. Remr. superseded by the Summary Jurisdiction Acts and 2 & 3 Vict. c. 71, s. 50.*]

Appeal.

162. Provided always, . . . that if any person or persons shall think himself, herself, or themselves aggrieved by any order or judgment made or given in pursuance of any rule or order of the said Company, or the committee of management, or by any order, judgment, or determination of any Justice or Justices, relating to this Act, or any matter or thing herein contained, such person or persons may appeal to the Justices of the Peace at the first or next General or Quarter Sessions to be holden for the county or place wherein the cause of appeal shall have arisen. . . . [*Part omitted (as to procedure on appeal) superseded by the Summary Jurisdiction Acts.*]

Proceedings
not to be
quashed for
want of form.

163. . . . No proceedings to be had touching the conviction of any offender or offenders against this Act, or any order made, or any other matter or thing to be done or transacted in or relating to

the execution of this Act, shall be vacated or quashed for want of form only, or be removed or removable by certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster (except as hereinbefore mentioned), any law or statute to the contrary notwithstanding.

164—165. [*Tender of amends, notice, and limitation of actions. Rep. in part by the Limitations of Actions and Costs Act 1842; remr. superseded by the Public Authorities Protection Act 1893.**]

166. [*Declaring what shall be good service on the Company. Spent. See 40 & 41 Vict. c. xcix.*]

167. [*Saving the rights of the Corporation of London as Conservators of the Thames. Superseded 57 & 58 Vict. c. clxxxvii.**]

168—169. [*Saving the rights of the Commissioners of Sewers for Middlesex and Surrey. Superseded (as regards county of London) 11 & 12 Vict. c. 112.† See now 18 & 19 Vict. c. 120, s. 135.*]

170—171. [*Capital to be subscribed before works commenced, and bridge to be completed in five years. Spent.*]

172. [*Act to be judicially noticed.*]

FIRST AND SECOND SCHEDULES. [*Description of lands to be taken. Spent.*]

9 GEORGE IV. A.D. 1828.

CHAPTER LII.

AN ACT FOR ALTERING AND AMENDING AN ACT PASSED IN THE FIFTH YEAR OF HIS PRESENT MAJESTY, FOR BUILDING A BRIDGE OVER THE RIVER THAMES AT HAMMERSMITH, AND FOR MAKING CONVENIENT ROADS TO COMMUNICATE THEREWITH.

[23d May 1828.]

[*Preamble recites 5 Geo. 4, c. cxii., and (inter alia) that the Company have completed the bridge by the said Act authorized to be made, and have also completed a road from the north end of the said bridge, communicating with the turnpike road or street at Hammersmith, and a road from the south end of the said bridge communicating with the roads leading from Richmond to London at Barnes Common: and that it is expedient that the said road leading from the north end of the said bridge should be diverted at the north end thereof so as to communicate with the said turnpike road or street at Hammersmith in a more straight and westerly direction, and that the said road from the north end of the said bridge should also be extended in an easterly direction so as to communicate at North End in the parish of Fulham with the road leading to London through Brompton.*]

1. [*Provisions of recited Act to extend to this Act, except as therein altered or repealed. Spent.*]

2—5. [*Power to Company to raise 80,000*l.* further capital and provisions as to raising same. Spent.*]

6. . . . It shall be lawful for the said Company, or their committee of management, to make or cause to be made the said road from the north end of the said bridge to communicate with the street at Hammersmith in a straight and more westerly direction, and also to extend or make one or more proper and commodious road

Power to extend the roads.

* See Appendix.

† Rep. 38 & 39 Vict. c. 66 (S.L.R.).

or roads from or out of the present road at the north end of the said bridge, to communicate at North End with the road leading to London through Brompton.

7—11. [*Deposit of plans with Clerks of the Peace for Middlesex and Surrey—Deviation—Provisions as to taking lands. Spent.*]

12—13. [*Company not to be liable to repair roads made before passing of former Act—Repeal of provision in 5 Geo. 4, c. cxii., limiting taking gravel from Barnes Common. Spent. See 40 & 41 Vict. c. xcix. s. 16; and 46 & 47 Vict. c. clxxvii.*]

14. [*Power to Company to lease estates purchased of Mr. Hoare. Spent.*]

15—22. [*As to tolls. Superseded 40 & 41 Vict. c. xcix. s. 16.*]

23. [*Saving the rights of certain commissioners of sewers. Superseded (as to county of London), 11 & 12 Vict. c. 112.* See now 18 & 19 Vict. c. 120, s. 135.*]

24—25. [*Form of proxies—Proceedings of committees to be evidence. Spent. See 40 & 41 Vict. c. xcix. s. 15.*]

26. [*Act to be judicially noticed.*]

SCHEDULE. [*Description of lands to be taken. Spent.*]

10 GEORGE IV. A.D. 1829.

CHAPTER 44.

AN ACT FOR IMPROVING THE POLICE IN AND NEAR THE METROPOLIS.

[19th June 1829.]

1. Whereas offences against property have of late increased in and near the metropolis; and the local establishments of nightly watch and nightly police have been found inadequate to the prevention and detection of crime, by reason of the frequent unfitness of the individuals employed, the insufficiency of their number, the limited sphere of their authority, and their want of connection and co-operation with each other: And whereas it is expedient to substitute a new and more efficient system of police in lieu of such establishments of nightly watch and nightly police, within the limits hereinafter mentioned, and to constitute an office of police, which, acting under the immediate authority of one of His Majesty's principal Secretaries of State, shall direct and controul the whole of such new system of police within those limits: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for His Majesty to cause a new police office to be established in the city of Westminster, and by warrant under his sign manual to appoint two fit persons as Justices of the Peace of the counties of Middlesex, Surrey, Hertford, Essex, and Kent, and of all liberties therein, to execute the duties of a Justice of the Peace at the said office, and in all parts of those several counties, and the liberties therein, together with such other duties as shall be hereinafter specified, or as shall be from time to time directed by one of His Majesty's principal Secretaries of State, for the more efficient administration of the police within the limits hereinafter mentioned: and His Majesty may remove either of the

His Majesty may establish a new police office for the metropolis and the surrounding district, and may appoint two persons as Justices, to conduct the business of the office,

* Rep. 28 & 39 Vict. c. 66 (S.L.R.).

said Justices, if he shall see occasion so to do, and may, upon any vacancy in the said office by death, removal, or otherwise, appoint another fit person as a Justice of the Peace of the counties of Middlesex, Surrey, Hertford, Essex, and Kent, and of all liberties therein, to execute the duties aforesaid, in lieu of the person making such vacancy: and it shall be lawful for His Majesty to appoint any person to be a Justice of the Peace by virtue of this Act, and for such person, during the continuance of his appointment, to execute the duties of a Justice of the Peace for the several counties of Middlesex, Surrey, Hertford, Essex, and Kent, and for all liberties therein, although he may not have any such qualification by estate as is required by law in the case of any other person being a Justice of the Peace for any county: Provided always, that no such person shall act as a Justice of the Peace at any Court of General or Quarter Sessions, nor in any matter out of Sessions, except for the preservation of the peace, the prevention of crimes, the detection and committal of offenders, and in carrying into execution the purposes of this Act.

under the directions of a Secretary of State.

The Justices need not have any qualification of estate.

Proviso.

2. Every person to be appointed a Justice of the Peace by virtue of this Act shall, before he shall begin to execute the duties of his office, take the following oath before some Justice or Baron of one of His Majesty's Courts of Record at Westminster: (that is to say,

Oath to be taken by the Justices.

"I A.B. do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Justice of the Peace, under and by virtue of an Act passed in the tenth year of the reign of King George the Fourth, intituled An Act for improving the police in and near the metropolis."

3. [*Salary of the Justices. Rep. 36 & 37 Vict. c. 91 (S.L.R.).*]

4. . . . The whole of the city and liberties of Westminster, and such of the parishes, townships, precincts, and places in the counties of Middlesex, Surrey, and Kent, as are enumerated in the Schedule to this Act, shall be constituted, for the purposes of this Act, into one district, to be called "The Metropolitan Police District"; and a sufficient number of fit and able men shall from time to time, by the directions of one of His Majesty's principal Secretaries of State, be appointed as a police force for the whole of such district, who shall be sworn in by one of the said Justices to act as constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall, not only within the said district, but also within the counties of Middlesex, Surrey, Hertford, Essex, and Kent, and within all liberties therein, have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have within his constablewick by virtue of the Common Law of this Realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the said Justices for conducting themselves in the execution of their office. [*See also 2 & 3 Vict. c. 47, s. 4; and 19 & 20 Vict. c. 2, s. 2.*]

Westminster and parts of Middlesex, Surrey, and Kent, to be formed into one district, to be called "The Metropolitan Police District."

A police force for the whole district to be appointed.

5. . . . The said Justices may from time to time, subject to the approbation of one of His Majesty's principal Secretaries of State, frame such orders and regulations as they shall deem expedient, relative to the general government of the men to be appointed

The Justices, subject to the approbation of a Secretary of State, may

make regulations for the management of the police force.

Police men may be suspended or dismissed by the Justices.

Penalty on publicans harbouring police men during the hours of duty.

Powers of police.

Constables attending at the watch-houses in the night may take bail by recognizance from persons brought before them for petty misdemeanors; such recognizance to be conditioned for the appearance of the parties before a magistrate.

members of the police force under this Act; the places of their residence; the classification, rank, and particular service of the several members; their distribution and inspection; the description of arms, accoutrements, and other necessities to be furnished to them; and which of them shall be provided with horses for the performance of their duty; and all such other orders and regulations, relative to the said police force, as the said Justices shall from time to time deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties; and the said Justices may at any time suspend or dismiss from his employment any man belonging to the said police force whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said police force, all powers vested in him as a constable by virtue of this Act shall immediately cease and determine. [*See also 2 & 3 Vict. c. 47; and 19 & 20 Vict. c. 2, s. 2.*]

6. . . . If any victualler or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any man belonging to the said police force, or permit such man to abide or remain in his house, shop, room, or other place during any part of the time appointed for his being on duty, every such victualler or keeper as aforesaid, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay such sum, not exceeding five pounds, as they shall think meet. [*See also 2 & 3 Vict. c. 71, s. 14; and the Licensing Act 1872, s. 16.*]

7. . . . It shall be lawful for any man belonging to the said police force, during the time of his being on duty, to apprehend all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs. . . . [*Part omitted (as to loiterers) rep. 37 & 38 Vict. c. 35 (S.L.R.). See also 2 & 3 Vict. c. 47, s. 64.*]

8. [*Assaults on police men. Rep. 36 & 37 Vict. c. 91 (S.L.R.).*]

9. . . . Where any person charged with any petty misdemeanor shall be brought, without the warrant of a Justice of the Peace, into the custody of any constable appointed under this Act, during his attendance in the night-time at any watch-house within the metropolitan police district, it shall be lawful for such constable, if he shall deem it prudent, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination before a Justice of the Peace, at some place to be specified in the recognizance, at the hour of ten in the forenoon next after such recognizance shall be taken, unless that hour shall fall on a Sunday or on Christmas Day or Good Friday, and in that case at the like hour on the succeeding day; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and the constable shall enter, in a book to be kept for that purpose in every watch-house, the names, residence, and occupation of the party and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the

time and place required, or within one hour after, the Justice shall cause a record of the recognizance to be drawn up, to be signed by the constable, and shall return the same to the next General or Quarter Sessions of the Peace, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in the Sessions of the Peace; and if the party not appearing shall apply, by any person on his behalf, to postpone the hearing of the charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the Sessions, or otherwise, the recognizance for the appearance of the party before a Justice shall be discharged without fee or reward. [*Rep. 36 & 37 Vict. c. 91 (S.L.R.), but revived 41 & 42 Vict. c. 79 (S.L.R.).*]

In default of appearance, recognizance to be forfeited.

Time of hearing may be postponed.

10. . . . It shall be lawful for His Majesty to appoint a proper person to receive all sums of money applicable to the purposes of this Act, who shall be called "The Receiver for the Metropolitan Police District;" and His Majesty may remove any such receiver, if he shall see occasion so to do, and may upon any vacancy in that office, by death, removal, or otherwise, appoint another person to be such receiver; . . . and the receiver for the time being shall receive all sums of money applicable to the purposes of this Act, and shall keep an exact and particular account thereof, and shall immediately pay all monies, bills, and notes by him received under this Act into the hands of the Governor and Company of the Bank of England; and the same shall be placed to an account in the books of the said Governor and Company, which shall be entitled "The Account of the Public Monies of the Receiver for the Metropolitan Police District," . . . ; and the said receiver shall draw out of the bank from time to time such sums of money as may be necessary for the payment of the salaries, wages, and allowances to be paid as hereinafter mentioned to the persons belonging to the police force appointed under this Act, and also for the payment of all other charges and expences in carrying this Act into execution; and every draft or order for money on the Bank of England drawn by the receiver shall be countersigned by one of the Justices * appointed under this Act; and all drafts and orders so drawn and countersigned, but not otherwise, shall be a sufficient authority to the Bank to pay the amount thereof to the persons named in them, or to the bearers of them. [*Part omitted (as to giving security) rep. 36 & 37 Vict. c. 91 (S.L.R.); and the Police Act 1890, s. 36. See also 2 & 3 Vict. c. 71, s. 7.*]

His Majesty may appoint a person to be the receiver of all monies applicable to the purposes of this Act, who shall give security.

The money to be placed in the Bank of England, and drawn out by the receiver.

Receiver's drafts to be countersigned.

11. . . . The receiver shall account for the due application of all monies so to be drawn by him out of the Bank of England, and shall, once in every six months, and oftener, if required by one of His Majesty's principal Secretaries of State, make out and sign a full and particular account of all monies which shall have been received by him under this Act, and how much thereof hath been paid by him, and for what purposes, together with proper vouchers for the receipts and payments; and such account shall be delivered, for the purpose of being examined and audited, either to the com-

Receiver's accounts to be audited.

* Now the Commissioner of Police. See 19 & 20 Vict. c. 2, s. 1, 5.

missioners for auditing the public accounts of this kingdom, or to any other person or persons whom such principal Secretary of State may from time to time direct: and the receiver, if directed to account before the said commissioners, shall be subject to the same regulations and penalties in that respect as any public accountant.

Salary of receiver.

Salaries and wages of police men to be regulated by the Secretary of State.

Rewards for activity, and superannuation allowances.

12. . . . The receiver, out of the monies so received by him, . . . shall from time to time pay to the persons belonging to the police force appointed under this Act such salaries, wages, and allowances, and at such periods, as one of His Majesty's principal Secretaries of State shall direct, and also any extraordinary expences which they shall appear to have necessarily incurred in apprehending offenders and executing the orders of either of the Justices appointed under this Act, such expences being first examined and approved of by one of the said Justices; and the receiver shall likewise pay any further sums which such principal Secretary of State shall direct to be paid to any of the persons belonging to the said police force, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service; and he shall also pay all other charges and expences which such principal Secretary of State shall direct to be paid for carrying this Act into execution.

13. [*Upon the death or removal of receiver, cash at the bank to be transferred to his successor. Rep. 36 & 37 Vict. c. 91 (S.L.R.).*]

Upon the removal of the receiver, his successor may sue for any balance remaining in his hands.

14. . . . If any person having resigned or having been removed from the office of receiver shall neglect, within twenty-one days after notice for such purpose, to account for and pay to any succeeding receiver all such sums of money as shall remain in his hands applicable to the purposes of this Act, it shall be lawful for the receiver for the time being, in his own proper name only, or by his name and description of office, to sue for and recover the same from such person, . . . in any of His Majesty's Courts of Record at Westminster, by action of debt; in which action it shall be sufficient for such receiver to declare as for money had and received to the use of such receiver for the purposes of this Act: and the defendant in the action may, at the discretion of any Judge of such Court, be held to special bail in such competent sum as the Judge shall order; and the Court in which the action shall be brought may, at the instance of either of the parties, refer the account in dispute in a summary manner to be audited by any officer of the Court or other fit person, who may examine both plaintiff and defendant upon oath (which oath the said referee shall have power to administer), and upon the report of such referee, unless either of the parties shall shew good cause to the contrary, the Court may make a rule, either for the payment of such sum as upon the report shall appear to be due, or for staying the proceedings in the action, and upon such terms and conditions as to the Court shall appear reasonable; or the Court may order judgment to be entered up by confession, for such sum as upon the report shall appear to be due. [*Part omitted (as to double costs) rep. by the Limitations of Actions and Costs Act 1842.*]

Mode of proceeding.

Special bail.

Court may refer the accounts to an officer or arbitrator.

Mode of proceeding against the representatives of a

15. . . . In case of the death of any person during the time that he shall be holding the office of receiver, or after he shall have resigned or been removed from such office, the receiver for the time being may, in his own proper name only, or by his name and

description of office, sue for and recover from the executors or administrators of such person deceased all such sums of money as shall have been remaining in his hands applicable to the purposes of this Act, by an action of debt in any of His Majesty's Courts of Record at Westminster; in which action it shall be sufficient for the plaintiff to declare that the deceased was indebted to the plaintiff for money had and received to his use for the purposes of this Act, or that the deceased died possessed of money had and received for the purposes of this Act, whereby an action hath accrued to the plaintiff to demand and have the same from such executors or administrators; and the like action may be brought against any executors or administrators of executors or administrators; and in all such actions the defendant or defendants may plead in like manner, and avail themselves of the like matters in defence, as in any action founded upon simple contracts of the original testator or intestate; and the Court may refer the account in dispute to be audited by any officer or person, and may proceed upon the report of such referee in like manner as is hereinbefore mentioned; and in all actions to be brought, as well as in all proceedings whatsoever to be instituted or carried on, by any receiver by virtue of this Act, proof of his acting in the execution of the office of receiver shall be sufficient evidence of his holding such office, unless the contrary shall be shewn in evidence by the defendants in such actions, or the parties against whom such proceedings shall be instituted or carried on.

deceased
receiver.

Proof of the
receiver's
official
character.

16. . . . The receiver for the time being shall make all such contracts and disbursements as shall be necessary for purchasing or renting any land or buildings, or for erecting, fitting up, furnishing, or repairing any buildings, for the purposes of this Act, in such manner as one of His Majesty's principal Secretaries of State shall direct; and of all lands and buildings so to be purchased or rented, and of the fixtures and furniture thereof, and of all goods and chattels whatsoever to be from time to time held or purchased for the purposes of this Act, the property acquired therein shall be vested in the receiver for the time being, in whom also shall be vested the property of all watch-houses, watchboxes, arms, accoutrements, and other necessities to be given up as hereinafter mentioned; and the receiver for the time being may, by the directions of such principal Secretary of State, sell, assign, or dispose of the whole or any part of any such property as aforesaid, and shall execute all such lawful matters for carrying this Act into execution as such principal Secretary of State shall from time to time direct. [*Rep. (as to police courts) 34 & 35 Vict. c. 35,* s. 5.*]

The receiver
shall contract
for any land
or buildings
that may be
required.

The property
to be vested
in him.

17. . . . It shall be lawful for all bodies corporate, and also for all commissioners, vestrymen, or trustees for public purposes, and for tenants for life or in tail, and for the husbands, guardians, trustees, committees, or attorneys of such of the proprietors or persons interested in any lands or buildings required for the purposes of this Act as shall by reason of any legal disability or of absence beyond the seas be incapable of acting for themselves, to contract and agree with the receiver for the time being, either for the absolute sale of such lands or buildings, or for a lease thereof for such period as the receiver shall require, and to convey, demise, or grant the same to the receiver in trust for the purposes of this Act; and all such contracts, sales, conveyances, leases, and grants shall be valid and

Corporations
and others
empowered
to sell land
to the
receiver.

* Rep. 60 & 61 Vict. c. 26, s. 9.

In case of disagreement, etc. the value shall be assessed by a jury.

effectual in law to all intents and purposes; and in case any body corporate, commissioners, vestrymen, trustees, or other persons hereby authorized to contract on behalf of themselves or others as aforesaid, shall neglect or refuse to agree with, or by reason of disability or absence shall be prevented from agreeing with, the receiver, for the sale or lease of any land or buildings required by him, or in case the proprietors or persons interested therein cannot be found or known, or shall not produce and evince a clear title to the land or buildings so to be purchased or rented, or to the interest they shall claim therein, to the satisfaction of the receiver, in every such case all the provisions contained in an Act passed in the fifth year of His present Majesty's reign, intituled An Act for more effectually paving, lighting, watching, cleansing, and regulating the Regent's Park, together with the new street from the Regent's Park to Pall Mall, and the new streets and improvement in the neighbourhood of Parliament Street and Privy Gardens, and for maintaining a convenient sewage for the same, with regard to the valuation of estates and interests by a jury, the conclusive effect of the verdict of the jury, and all matters preparatory to, concomitant with, and consequent or contingent upon the valuation by a jury, shall, so far as the same are or can be applicable, be applied and extended to the valuation of any land or buildings required for the purposes of this Act, in as full and ample a manner to all intents and purposes as if those provisions had been repeated and expressly re-enacted in this Act; and all such matters as by those provisions of the said Act are authorized or required to be done by the Sheriff of Middlesex and by a jury of Middlesex, or by the High Bailiff of Westminster or his deputy and by a jury of Westminster, shall under this Act be done by the Sheriff and a jury of Middlesex, if the premises to be valued are situate in Middlesex, and by the High Bailiff or his deputy and a jury of Westminster, if the premises are situate in Westminster; and all such matters as by those provisions of the said Act are authorized or required to be done by the Sheriff and a jury of the county of Middlesex, shall, if the premises to be valued are situate in any other county, be done under this Act by the sheriff of such other county and by a jury qualified to try causes at Nisi Prius in such other county; and all such matters as by those provisions of the said Act are authorized or required to be done by the commissioners therein mentioned shall, under this Act, be done by the receiver for the time being. [*Amended 49 & 50 Vict. c. 22.*]

No Justice, etc. under this Act to sit in Parliament.

No Justice, receiver, police man, etc. appointed under this Act, to vote at certain elections.

Penalty, 100*l.*

18. . . . No Justice of the Peace or receiver appointed by virtue of this Act shall, during the continuance of such appointment, be capable of being elected or of sitting as a member of the House of Commons; and no Justice, receiver, or person belonging to the police force appointed by virtue of this Act . . . shall, by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a member to serve in Parliament for any such county, city, or borough; and if any such Justice, receiver, or person belonging to the police force shall offend therein, he shall forfeit the sum of one hundred pounds, to be recovered, by any person who will sue for the same, by action of debt, to be commenced within six calendar months after the commission of the offence; and one moiety of the sum so recovered shall be paid to the informer, and the other moiety thereof to the receiver appointed under this Act, to be by him added to and applied as part of the

funds for the purposes of the police under this Act: Provided Proviso. always, that nothing in this enactment contained shall subject any such Justice, receiver, or person belonging to the police force, to any penalty for any act done by him at or concerning any of the said elections in the discharge of his official duty. [*Part omitted (as to voting at elections) rep. by the Police Disabilities Removal Act 1887, s. 1. Amended 2 & 3 Vict. c. 47, s. 4, and 19 & 20 Vict. c. 2, s. 2.*]

19—21. [*Watch in each parish, etc., in the metropolitan district to continue until new police appointed—As to watch rates already made—Outstanding debts. Rep. 36 & 37 Vict. c. 91 (S.L.R.).*]

22. . . . The Justices appointed under this Act, subject to the approbation of one of His Majesty's principal Secretaries of State, may order such a number of watchboxes as they shall from time to time think fit to be placed or fixed in such parts of the highways in any of the parishes, townships, precincts, and places within the metropolitan police district, as the said Justices shall deem most convenient. [*Amended 2 & 3 Vict. c. 47, s. 4; and 19 & 20 Vict. c. 2, s. 2.*]

Power to set up watch-boxes.

23. . . . As soon as the police to be appointed under this Act shall take charge of any parish, township, precinct, or place, whether parochial or extra-parochial, within the metropolitan police district, it shall be lawful for the Justices appointed under this Act, forthwith, and so from time to time, subject to the approbation of one of His Majesty's principal Secretaries of State, to issue a warrant under their hands to the overseers of the poor of every such parish, township, precinct, or place: by which warrant they shall command the said overseers, out of the money collected for the relief of the poor in such parish, township, precinct, or place, to pay the amount mentioned in the warrant for the purposes of the police under this Act, or to levy such amount as a part of the rate for the relief of the poor in such parish, township, precinct, or place, and that the overseers shall pay over the amount mentioned in the warrant, to the receiver to be appointed under this Act, within forty days from the delivery of such warrant to any one of the overseers: Provided always, that the sum to be paid for the purposes of the police under this Act shall not exceed in the whole in any one year the rate of eightpence in the pound on the full and fair annual value of all property rateable for the relief of the poor within such parish, township, precinct, or place, such full and fair annual value to be computed according to the last valuation for the time being acted upon in assessing the county rate; and that the warrant shall specify the rate in the pound at which the sum mentioned therein shall be computed. [*Amended 2 & 3 Vict. c. 47, s. 4: 19 & 20 Vict. c. 2, s. 2; and 31 & 32 Vict. c. 67, s. 2.*]

The overseers in every parish, etc., in the metropolitan district shall be ordered to levy a police rate upon all persons liable to the poor rate;

not to exceed 8d. in the pound in any one year, according to the valuation for county rate.

24. . . . Where any persons other than the overseers of the poor shall, by virtue of any office or appointment, be authorized and required to make and collect or cause to be collected the rate for the relief of the poor in any parish, township, precinct, or place within the metropolitan police district, such persons, by whatsoever title they may be called, shall be deemed to be overseers of the poor within the meaning of this Act, and to be included under and denoted by the words "Overseers of the Poor." for all the purposes of this Act, as fully as if they were commonly called or known by the title of Overseers of the Poor.

Who to be deemed overseers within this Act.

Overseers shall collect the police rate in the same manner as the poor rate.

25. . . . The overseers of the poor of every parish, township, precinct, or place within the metropolitan police district, to whom any such warrant as aforesaid shall be issued, shall pay the amount mentioned in the warrant out of any money in their hands collected for the relief of the poor; and if there be no such money in their hands, or an insufficient sum, they shall levy the amount required as a part of the rate for the relief of the poor, and shall for that purpose proceed in the same manner, and have the same powers, remedies, and privileges as for levying money for the relief of the poor. . . . [*Part omitted (as to receipt of receiver being a sufficient discharge) rep. 24 & 25 Vict. c. 124, s. 7.*]

Overseers, on nonpayment of the police rate, shall be distrained upon;

26. . . . In case the amount ordered by such warrant as aforesaid to be paid by the overseers in any parish, township, precinct, or place in the metropolitan police district, shall not be paid to the receiver within the time specified for that purpose in the warrant, the Justices appointed under this Act, upon complaint thereof made to them by the receiver, may issue their warrant for levying the amount, or so much thereof as may be in arrear, by distress and sale of the goods of all or any of the said overseers; and in case the goods of all the overseers shall not be sufficient to pay the same, the arrears thereof shall be added to the amount of the next levy which shall be directed to be made in such parish, township, precinct, or place for the purposes of the police under this Act, and shall be collected by the like methods; and the said Justices, in case of any default or neglect of any overseer or overseers, or in any other case in which one of His Majesty's principal Secretaries of State shall so direct, may appoint two or more persons to act as overseers of the poor within any parish, township, precinct, or place in the metropolitan police district, for levying the money for the purposes of the police under this Act; and the persons so appointed shall proceed in the same manner, and shall have the same powers, remedies, and privileges, and shall be subject to the same regulations and penalties, with reference to the levying of such money, as if they had been appointed overseers of the poor by virtue of any law or laws now in force.

and in default of sufficient distress, the arrears may be re-levied on the parish.

In case of default, etc. occasional overseers may be appointed for levying the police rate.

in property occupied by ambassadors, the landlord shall pay the police rate.

27. . . . Where any messuages, lands, tenements, or hereditaments within the metropolitan police district shall be occupied by any ambassador, agent, or other public minister of any foreign prince or state, or by the servant of any such ambassador, agent, or minister, or by any other person not liable by law to the payment of the poor's rate, all such money as would by virtue of this Act have been payable for the purposes of the police by the occupier of such messuages, lands, tenements, or hereditaments, if such occupier had been rateable to the relief of the poor, shall in such case be paid by and recoverable from the landlord or owner thereof, who shall for this purpose be deemed the occupier thereof, and shall be liable to all such proceedings for nonpayment of such money as any person is by law liable to for nonpayment of poor rate.

Right of inspecting county rates, etc.

28. . . . Any Justice appointed under this Act, or any person having an order for that purpose under the hand of any such Justice, may inspect any county rate made or to be made for any county, any part of which shall be situate within the metropolitan police district, and may also inspect any returns concerning all or any of the parishes, townships, precincts, and places, whether parochial or extra-parochial in the said district, delivered or to be delivered in pursuance of any of the Acts relating to county rates, and may take

copies or extracts from any such rates or returns without payment of any fee or reward; and if any person having the custody of any such rate or return shall wilfully neglect or refuse to permit any such Justice or other person to inspect the same, or to take copies or extracts from the same, within two days after such order shall have been produced and shewn to him, or a copy thereof left at his usual place of abode, he shall, on conviction thereof before any two Justices of the Peace, forfeit and pay for every such offence such sum, not exceeding ten pounds, as they shall think meet.

29. . . . An account of all monies received and expended for the purposes of this Act, . . . shall annually be laid before both Houses of Parliament, . . . and such account shall specify the total sum charged upon and received from every parish, township, precinct, and place for the purposes of this Act, the rate in the pound at which such sum shall have been computed, and the total annual value of the entire property in every such parish, township, precinct, and place, as such total annual value shall be stated in the last valuation for the time being acted upon in assessing the county rate; and such account shall also specify the different heads of expenditure for the purposes of the police, and the amount actually expended under each. [*Parts omitted (as to dates of making up and presenting accounts) rep. 36 & 37 Vict. c. 91 (S.L.R.).*]

Accounts to be laid before Parliament annually.

30. . . . The respective inhabitants and occupiers of all messuages, lands, tenements, and hereditaments in any precinct or place, whether parochial or extra-parochial, in the metropolitan police district, although such messuages, lands, tenements, and hereditaments may not be rated to the relief of the poor, or may be deemed not to be rateable thereto, shall nevertheless be liable to contribute to the expences of the police under this Act, as if the property so inhabited or occupied were rateable and rated to the relief of the poor; and the Justices appointed under this Act may from time to time, by warrant under their hands, appoint a proper person to be an assessor, for the purpose of assessing the full and fair annual value of such property, and rating the same to a police rate to be levied under this Act: Provided always, that the sum to be levied as a police rate shall not exceed in the whole in any one year the rate of eightpence in the pound on the full and fair annual value of such property; and such assessor shall, within forty days after the delivery to him of the warrant of his appointment, make, sign, and return to the said Justices an assessment for the precinct or place named in such warrant; and the assessment shall be fairly written in a book, and shall specify, in different columns, the names of the respective inhabitants or occupiers of all messuages, lands, tenements, and hereditaments, the full and fair annual value of the same, and the amount of police rate charged on the inhabitants or occupiers thereof, and, when the premises shall be unoccupied, the full and fair annual value thereof to let; and every such assessor shall be allowed for his trouble and expences such remuneration as one of His Majesty's principal Secretaries of State shall direct, and the same shall be paid out of the amount of the police rate which shall be collected after such assessment. [*Rep. inasmuch as relates to the ascertaining the value of any hereditaments with respect to the value of which the valuation list is made conclusive so far as it relates to the metropolis by 32 & 33 Vict. c. 67, s. 77. Part omitted (recital) rep. 53 & 54 Vict. c. 51 (S.L.R.). Amended 2 & 3 Vict. c. 71, s. 4, and 19 & 20 Vict. c. 2, s. 2.*]

Provision for assessing and levying police rate in those places within the metropolitan district where there is no poor rate.

Mode of making the assessment.

Allowance to assessors.

When assessment is made, notice thereof shall be given, and all persons included in the assessment shall have liberty to inspect it, etc.

Penalty for refusing such inspection.

Collection of the police rate charged in such assessment.

Appeal against assessment.

31. . . . When such assessment shall have been allowed by the Justices appointed under this Act, public notice of such assessment, and of the place where the same may be inspected, shall be given by fixing such notice on the door of the church or chapel, or some other conspicuous part of the precinct or place to which such assessment shall relate, upon the Sunday next or next but one after the same shall have been so allowed; and any person in whose custody such assessment may be shall permit every inhabitant or occupier of property included in such assessment to inspect the same, and to make any extracts therefrom, without payment of any fee or reward: and if such person shall wilfully neglect or refuse to permit any such inhabitant or occupier to inspect such assessment, or to make any extract therefrom, he shall, on conviction thereof before any two Justices of the Peace, forfeit and pay for every such offence such sum, not exceeding five pounds, as the Justices shall think meet.

32. . . . The Justices appointed under this Act shall from time to time nominate one or more person or persons for levying the amount of police rate charged in every such assessment, who shall proceed in the same manner, and shall have the same powers, remedies, and privileges, and shall be subject to the same regulations and penalties, with reference to the levying of such police rate, as if he or they were an overseer or overseers of the poor in a precinct or place rated to the relief of the poor, and shall pay over the amount of such police rate to the receiver to be appointed under this Act, or in default thereof shall be proceeded against in the same manner as overseers are by this Act to be proceeded against for nonpayment. [*Amended 32 & 33 Vict. c. 67, s. 77.*]

33. Provided always, . . . that if any person, who shall have paid the amount of police rate charged upon him by the assessment made by an assessor appointed under this Act, shall think himself aggrieved by such assessment, on the ground that such assessment includes any property for which he is not rateable under this Act, or that it assesses his rateable property beyond its full and fair annual value, or that any person or persons is or are omitted out of such assessment, or that the property of any person or persons is assessed below its full and fair annual value, the person so aggrieved may appeal to the next Court of General or Quarter Sessions which shall be holden for the county in which the cause of appeal shall have arisen, not less than twenty-one days after public notice of such assessment shall have been given as hereinbefore mentioned: provided that the person so intending to appeal shall give to the receiver to be appointed under this Act a notice in writing of such appeal, and of the cause and matter thereof, ten clear days at the least before such Sessions; and shall also, within three days after his notice of appeal, enter into a recognizance before some Justice of the Peace of the county, with two sufficient sureties, conditioned to try such appeal at the said Sessions, and to abide the order of the Court thereupon, and to pay such costs as shall be by the Court awarded; and in case such person shall appeal on the ground that any person or persons is or are omitted out of the assessment, or that the property of any person or persons is assessed below its full and fair annual value, the party so appealing shall not only give such notice of appeal to the receiver, and enter into such recognizance as aforesaid, but shall also give a like notice of appeal to the person or persons so interested in the event of

such appeal as aforesaid, and shall enter into a like recognizance within the times hereinbefore respectively mentioned: and the person or persons so interested shall, if he or they shall desire it, be heard upon the appeal: and the Justices of the Peace at such Sessions, or some adjournment thereof, upon due proof of the notice having been given, and of the recognizance having been entered into as aforesaid, shall hear and determine the matter of the appeal in a summary manner, and shall make such order therein, with or without costs to either party, as the said Justices shall think proper; and in case the said Justices shall think the appellant entitled to relief, they shall order the assessment to be amended in such manner as may be necessary for giving him relief, and shall also order any money paid by him which he was not liable to pay to be returned to him; and in case he shall have appealed on the ground that any person or persons is or are omitted out of the assessment, the said Justices may order the name or names of such person or persons to be inserted in the assessment, and to be therein rated at such amount as they shall deem just; and in case the appellant shall have appealed on the ground that the property of any person or persons is assessed below its full and fair annual value, the said Justices may order the amount at which such person or persons is or are rated in the assessment to be altered in such manner as they shall deem just: and the proper officer of the Court shall in each of the cases aforesaid forthwith amend the assessment accordingly, but the assessment shall not be quashed or altered with respect to any other persons named therein; and the determination of the Justices at any such Sessions or adjournment shall be final and conclusive.

34. . . . It shall be lawful for His Majesty from time to time, by the advice of his Privy Council, to order that any parishes, townships, precincts, and places, whether parochial or extra-parochial, in the counties of Middlesex, Surrey, Hertford, Essex, and Kent, of which any part shall be situate within twelve miles of Charing Cross in the city of Westminster, shall, after a certain day to be named in such order, be added to and form part of the metropolitan police district, and be placed under the charge of a police to be appointed under this Act; and all provisions hereinbefore contained with regard to the discontinuance of the night watch and night police appointed previously to or independently of this Act, the cessation of their powers, the cessation of the powers for levying watch rates, the giving up of watch-houses, or parts of buildings used as watch-houses, watchboxes, arms, accoutrements, and other necessities, together with the penalties for neglect or refusal in that behalf, the exception as to any watch rate previously made, and the power to assess and levy rates for debts previously incurred, and also all provisions hereinbefore contained with regard to the levying of money for the purposes of the police, the levying thereof as a part of the poor's rate, the amount of such levy, the payment thereof to the receiver, the proceedings against overseers for default, the addition of arrears to the next levy, the appointment of persons to act as overseers, and all provisions with regard to the assessment of property, and the rating of the same to a police rate by assessors appointed under this Act, and with regard to the powers and duties of such assessors, as well as all other matters whatsoever previous to, concomitant with, or consequent or contingent upon such assessment, shall apply and be enforced in every parish, town-

The assessment may be altered to relieve the appellant, without altering any other part of it.

His Majesty may hereafter, by Order in Council, direct any parishes within a certain distance of the metropolis to be added to the district, and such parishes when so added shall be subject to all the provisions of this Act.

ship, precinct, and place which shall by Order in Council be added to the metropolitan police district, as fully and effectually as if such parish, township, precinct, or place had been originally included in such district by virtue of this Act. [*Part omitted (recital) rep. 53 & 54 Vict. c. 51 (S.L.R.). Amended 2 & 3 Vict. c. 47, s. 2.*]

Misnomers
not to affect
the execution
of the Act.

35. . . . No misnomer or inaccurate description of any parish, township, precinct, or place mentioned in the schedule to this Act, or in any Order in Council to be made as aforesaid, shall prevent or in anywise affect the execution of this Act, but . . . this Act and every part thereof shall apply and be enforced in every such parish, township, precinct, and place, as fully and effectually to all intents and purposes as if the same had been correctly named and described in such schedule or Order in Council, provided that the same be designated therein to common intent and understanding; and united parishes shall for all the purposes of this Act be deemed to be included under and denoted by the word "parish."

36. [*Summons, etc. for offences punishable on summary conviction. Rep. 36 & 37 Vict. c. 91 (S.L.R.).*]

Application
of penalties.

37. . . . Every sum which by any Justices of the Peace shall be adjudged to be paid for any offence against this Act shall be paid to the receiver appointed under this Act, to be by him added to and applied as part of the funds for the purposes of the police under this Act: . . . and no Justice of the Peace shall be disabled from acting in the execution of this Act by reason of his being liable to the payment of any money for the maintenance of the police under this Act. [*Part omitted (persons paying police rate may give evidence or act as Justices) rep. 36 & 37 Vict. c. 91 (S.L.R.). See also 2 & 3 Vict. c. 47, s. 77.*]

38—39. [*Scale of imprisonment and form of conviction. Rep. 36 & 37 Vict. c. 91 (S.L.R.).*]

40. [*Informality in warrants, etc. Rep. 51 & 52 Vict. c. 57 (S.L.R.).*]

41—43. [*Limitation of proceedings and actions. Rep. 36 & 37 Vict. c. 91 (S.L.R.).*]

44. [*Act to be judicially noticed. Rep. 51 & 52 Vict. c. 57 (S.L.R.).*]

SCHEDULE to which this Act refers.

A LIST of the PARISHES, TOWNSHIPS, PRECINCTS, and PLACES referred to by the Act as constituting "The Metropolitan Police District."

COUNTY OF MIDDLESEX.

City and Liberties of Westminster.

The parishes of Saint Margaret and Saint John the Evangelist.

The parish of Saint Martin in the Fields.

The parish of Saint George, Hanover Square.

The parish of Saint James.

The parish of Saint Mary le Strand, as well within the liberty of Westminster as within the Duchy liberty.

The parish of Saint Clement Danes, as well within the liberty of Westminster as within the Duchy liberty.

The parish of Saint Paul, Covent Garden.

The parish of Saint Ann in the liberty of Westminster.

Whitehall Gardens, whether the same be parochial or extra-parochial.

Whitehall, whether the same be parochial or extra-parochial.
 Richmond Terrace, whether the same be parochial or extra-parochial.
 The close of the Collegiate Church of Saint Peter.

Holborn Division.

The parishes of Saint Giles in the Fields and Saint George, Bloomsbury.
 The parishes of Saint Andrew, Holborn, and Saint George the Martyr.
 The liberty of Saffron Hill, Hatton Garden, and Ely Rents.
 The liberty of the Rolls.
 The parish of Saint Pancras.
 The parish of Saint John, Hampstead.
 The parish of Saint Mary-le-bone.
 The parish of Paddington.
 The precinct of the Savoy.

Finsbury Division.

The parish of Saint Luke.
 The liberty of Glasshouse Yard.
 The parish of Saint Sepulchre.
 The parish of Saint James, Clerkenwell, including both districts of
 Saint James and Saint John.
 The parish of Saint Mary, Islington.
 The parish of Saint Mary, Stoke Newington.
 The Charter House.

Tower Division.

The parish of Saint Mary, Whitechapel.
 The parish of Christchurch.
 The parish of Saint Leonard, Shoreditch.
 The liberty of Norton Folgate.
 The parish of Saint John, Hackney.
 The parish of Saint Matthew, Bethnal Green.
 The hamlet of Mile End Old Town.
 The hamlet of Mile End New Town.
 The parish of Saint Mary, Stratford Bow.
 The parish of Bromley Saint Leonard.
 The parish of All Saints, Poplar.
 The parish of Saint Ann, Limehouse.
 The hamlet of Ratcliffe.
 The parish of Saint Paul, Shadwell.
 The parish of Saint George in the East.
 The parish of Saint John, Wapping.
 The liberty of East Smithfield.
 The precinct of Saint Catherine.
 The liberty of His Majesty's Tower of London, consisting of
 The liberty of the Old Artillery Ground.
 The parish of Trinity, Minories.
 The Old Tower precinct.
 The precinct of the Tower within.
 The precinct of Wellclose.

Kensington Division.

The parish of Kensington.
 The parish of Saint Luke, Chelsea.
 The parish of Fulham.
 The hamlet of Hammersmith.
 The parish of Chiswick.
 The parish of Ealing.
 The parish of Acton.

Brentford Division.

The township of New Brentford.

Extra-parochial Places.

Lincoln's Inn.

Gray's Inn.

Staple's Inn.

That part of Furnival's Inn in the county of Middlesex.
Ely Place.

KENT.

The parish of Saint Paul, Deptford.

The parish of Saint Nicholas, Deptford.

The parish of Greenwich.

SURREY.

The parish of Barnes.

The parish of Battersea.

The hamlet of Penge.

The parish of Bermondsey.

The parish of Camberwell.

The parish of Clapham.

The parish of Lambeth.

The parish of Newington.

The parish of Putney.

The parish of Rotherhithe.

The parish of Streatham.

The parish of Tooting.

The parish of Wandsworth.

The parish of Christchurch.

Clink liberty.

The hamlet of Hatcham in the parish of Deptford.

BOROUGH OF SOUTHWARK.

The parish of Saint George.

The parish of Saint Saviour.

The parish of Saint John.

The parish of Saint Olave,

The parish of Saint Thomas.

[*As to counties of Middlesex, Kent and Surrey, see 51 & 52 Vict. c. 41, s. 40.*]

1 & 2 WILL. IV. A.D. 1831.

CHAPTER 22.

AN ACT TO AMEND THE LAWS RELATING TO HACKNEY CARRIAGES, AND TO WAGGONS, CARTS, AND DRAYS, USED IN THE METROPOLIS; AND TO PLACE THE COLLECTION OF THE DUTIES ON HACKNEY CARRIAGES AND ON HAWKERS AND PEDLARS IN ENGLAND UNDER THE COMMISSIONERS OF STAMPS.

[22d September 1831.]

[*Preamble.*]

1. [*Repeal of various provisions. Rep. 37 & 38 Vict. c. 35 (S.L.R.).*]

2—3. [*Fixing duties for hackney carriage licences. Rep. by the Revenue Act 1869, s. 39.*]

4. . . . Every carriage with two or more wheels which shall be used for the purpose of standing or plying for hire in any public street or road at any place within the distance of five miles from the General

Definition of
a hackney
carriage.

Post Office in the city of London, whatever may be the form or construction of such carriage, or the number of persons which the same shall be calculated to convey, or the number of horses by which the same shall be drawn, shall be deemed and taken to be a hackney carriage within the meaning of this Act: and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe any such carriage as aforesaid by the term "hackney carriage," without further or otherwise describing the same: Provided always, that nothing in this Act contained shall extend to any stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and being duly licensed by the Commissioners of Stamps* for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches. [*See also* 32 & 33 Vict. c. 115, s. 4.]

5—17. [*Duties, licences, and registration. Rep. by the Revenue Act 1869, s. 39.*]

18. . . . All carriages, horses, and harness, and other articles and things, kept, used, or employed for the purpose of being let for hire by any person to whom any such licence as aforesaid shall be granted under the provisions of this Act, shall be subject and liable to and chargeable with all the duties which shall from time to time become due and payable from or by such person for or in respect of any such licence as aforesaid granted to him, and to and with all penalties which may be imposed upon or incurred by such person under this Act, and also to and with the costs and expences of all proceedings which shall or may be had or taken for the recovery of any such duties and penalties respectively: and all such carriages, horses, harness, and other articles and things may be distrained or otherwise seized or taken to satisfy such duties, penalties, costs, and expences, or any part thereof respectively, in or into whose custody or possession soever such carriages, horses, harness, and other articles shall or may be or come, and by or under what right or title soever the same shall or may be held or claimed: and in case any person in or into whose custody or possession any such carriages, horses, harness, or other articles shall be or come by or under any means or title whatsoever, shall convert the same to his own use, or shall sell or dispose thereof for the use or benefit of any other person, after notice given by the Commissioners of Stamps, or their solicitor, or by any other officer of stamp duties, that such carriages, horses, harness, or other articles are subject and liable to or chargeable with any of the duties, penalties, costs, and expences aforesaid, every person so converting or selling or disposing of such carriages, horses, harness, or other articles shall be accountable to His Majesty to the extent of the value of such carriages, horses, harness, or other articles, for the duties, penalties, costs, and expences to or with which such carriages, horses, harness, or other articles shall be subject, liable, or chargeable, and the same may be sued for and recovered under and by virtue of this Act as a debt due to His Majesty accordingly.

Carriages,
horses,
harness, etc.
liable to
duties and
penalties.

19—25. [*Duties, plates, licences, etc. Rep. by the Revenue Act 1869, s. 39.*]

26. [*Proprietors of hackney carriages to appear and produce drivers. Rep. 37 & 38 Vict. c. 35 (S.L.R.).*]

* Now the Commissioner of the Metropolitan Police, by an order of the Home Secretary (dated 18th August 1897), made under 32 & 33 Vict. c. 115, s. 6.

Penalties if not paid by drivers to be levied on proprietors ;

27. . . . All pecuniary penalties and costs incurred by reason of any offence committed by the driver of any hackney carriage against the provisions of this Act shall, unless such driver shall pay the same, be levied by distress and sale of the goods of the proprietor of such hackney carriage, and for want of sufficient distress such proprietor shall be committed to the common gaol or house of correction. . . . [Part omitted (as to period of imprisonment) rep. by the Summary Jurisdiction Act 1884, s. 4.]

who shall be entitled to recover from the drivers.

28. Provided always, . . . that every such proprietor who shall pay any penalty or costs incurred by reason of any such offence as aforesaid committed by such driver shall be entitled to recover the same from such driver in a summary manner ; and upon complaint made in the premises before any Justice of the Peace by the said proprietor against the said driver, such Justice shall inquire into the same, and shall cause the sum which shall appear to have been so paid as aforesaid by the said proprietor to be levied by distress and sale of the goods of the said driver ; and for want of sufficient distress, such Justice shall commit the said driver to the common gaol or house of correction, there to remain for any time not exceeding two calendar months, unless the said sum shall be sooner paid ; and every such imprisonment shall be with or without hard labour, as such Justice shall direct : Provided always, that if the said driver shall have been previously convicted of the offence for which the said penalty or costs shall be so as aforesaid paid by the said proprietor, then such proceedings shall be had and taken against the said driver upon such conviction for recovery of the penalty and costs in which he shall have been convicted as might have been had and taken thereon in case the said penalty or costs had not been paid by the said proprietor, and upon recovery thereof the sum so paid by such proprietor shall be repaid to him.

29. [Justices to determine disputes between proprietors and their drivers. Rep. 37 & 38 Vict. c. 35 (S.L.R.).]

30—33. [Watermen's licences, etc. Rep. by the Revenue Act 1869, s. 39.]

34. [Distance drivers of hackney carriages shall be compellable to drive. Rep. 37 & 38 Vict. c. 35 (S.L.R.).]

Hackney carriages standing in any street to be deemed to be plying for hire, and the driver thereof refusing to go with any person liable to a penalty of 40s.

35. . . . Every hackney carriage which shall be found standing in any street or place, and having thereon any of the numbered plates required by this Act to be fixed on hackney carriages, shall, unless actually hired, be deemed to be plying for hire, although such hackney carriage shall not be on any standing or place usually appropriated for the purpose of hackney carriages standing or plying for hire ; and the driver of every such hackney carriage which shall not be actually hired shall be obliged and compellable to go with any person desirous of hiring such hackney carriage ; and upon the hearing of any complaint against the driver of any such hackney carriage for any such refusal, such driver shall be obliged to adduce evidence of having been and of being actually hired at the time of such refusal, and in case such driver shall fail to produce sufficient evidence of having been and of being so hired as aforesaid, he shall forfeit forty shillings.

Compensation to be made to drivers improperly summoned for refusing to carry any person.

36. Provided always, . . . that if the driver of any hackney carriage shall in civil and explicit terms declare to any person desirous to hire such hackney carriage that it is actually hired, and shall afterwards, notwithstanding such reply, be summoned to answer for his refusal to carry such person in his said hackney

carriage, and shall upon the hearing of the complaint produce sufficient evidence to prove that such hackney carriage was at the time actually and bona fide hired, and it shall not appear that he used uncivil language, or that he improperly conducted himself towards the party by whom he shall be so summoned, the Justice before whom such complaint shall be heard shall order the person who shall have summoned such driver to make to him such compensation for his loss of time in attending to make his defence to such complaint as such Justice shall deem reasonable, and in default of payment thereof to commit such person to prison for any time not exceeding one calendar month, unless the same shall be sooner paid.

37. . . . It shall be lawful for the proprietor or driver of any hackney carriage which shall be licensed under the authority of this Act to stand and ply for hire with such carriage and to drive the same on the Lord's day, any former Act or Acts to the contrary notwithstanding : and that such proprietor or driver who shall so stand or ply for hire as aforesaid shall be liable and compellable to do the like work on the Lord's Day as such proprietor or driver is by this Act liable or compellable to do on any other day of the week.

Drivers may ply and shall be compellable to drive on Sundays.

38—40. [*Rates and fares and metropolis defined.* Rep. 37 & 38 Vict. c. 35 (S.L.R.).]

41. . . . If any person shall refuse or omit to pay the driver of any hackney carriage the sum justly due to him for the hire of such hackney carriage, or if any person shall deface or in any manner injure any such hackney carriage, it shall be lawful for any Justice of the Peace, upon complaint thereof made to him, to grant a summons, or if it shall appear to him necessary a warrant, for bringing before him or any other Justice such defaulter or defender, and, upon proof of the facts made upon oath before any such Justice, to award reasonable satisfaction to the party so complaining for his fare or for his damages and costs, and also a reasonable compensation for his loss of time in attending to make and establish such complaint ; and upon the refusal of such defaulter or offender to pay or make such satisfaction, it shall be lawful for such Justice to commit him to prison, there to remain for any time not exceeding one calendar month, unless the amount of such satisfaction shall be sooner paid ; and it shall also be lawful for such Justice, if he shall think fit, to order such defaulter or offender to be kept to hard labour during such imprisonment.

Persons refusing to pay the driver his fare, or for any damage, may be committed to prison.

42. [*Penalty on drivers refusing to go or exacting more than the legal fare.* Rep. 37 & 38 Vict. c. 35 (S.L.R.).]

43. . . . No agreement whatever made with the driver of any hackney carriage for the payment of more than his proper fare, as the same is allowed and limited by this Act, shall be binding on the person making the same, but any such person may, notwithstanding any such agreement, refuse, on discharging such hackney carriage, the payment of any sum beyond the proper fare as allowed and limited as aforesaid : and in case any person shall actually pay to the driver of any hackney carriage, whether in pursuance of any such agreement or not, any sum exceeding his said proper fare, which shall have been demanded or required by such driver, the person paying the same shall be entitled, on complaint made against such driver before any Justice of the Peace, to recover back the sum paid beyond the proper fare, and moreover such driver shall

Agreement to pay more than the legal fare not to be binding.

Sum paid beyond the proper fare may be recovered back.

Penalty 40s.

forfeit, as a penalty for such exaction, the sum of forty shillings; and in default of the repayment by such driver of such excess of fare, or of payment of the said penalty, such Justice shall forthwith commit such driver to prison, there to remain for any time not exceeding one calendar month, unless the said excess of fare and the said penalty shall be sooner paid.

Driver not to charge more than the sum agreed for, although the distance be exceeded.

44. . . . It shall be lawful for any person to require the driver of any hackney carriage to drive such hackney carriage, for a stated sum of money, a distance in the discretion of such driver, and in case such driver shall exceed the distance to which such person was entitled to be driven for such stated sum of money, such driver shall not exact or demand more than the sum for which he was so engaged to drive, upon pain to forfeit forty shillings for such offence.

Penalty 40s.

Penalty for demanding more than the sum agreed for, though less than the legal fare, 40s.

45. . . . If the proprietor or driver of any hackney carriage, or if any other person on his behalf and with his knowledge and consent, shall agree beforehand with any person hiring such hackney carriage to take for any job any sum less than the proper rate of fare allowed by this Act, such proprietor or driver shall not exact or demand for his fare more than the sum agreed for, upon pain to forfeit forty shillings for such offence.

46. [*Number of persons to be carried to be painted on carriage. Rep. 37 & 38 Vict. c. 35 (S.L.R.).*]

Deposit to be made for carriages waiting.

47. . . . Where any hackney carriage shall be hired and taken to any place of public resort, or elsewhere, and the driver thereof shall be required there to wait with such hackney carriage, it shall be lawful for such driver to demand and receive from the person so hiring and requiring him to wait as aforesaid a reasonable sum as a deposit, over and above the fare to which such driver shall be entitled for driving thither, which sum so demanded and received shall be accounted for by such driver when such hackney carriage shall be finally discharged; and if any such driver who shall have received any such deposit as aforesaid shall refuse to wait with such hackney carriage at the place where he shall be so required to wait, or if such driver shall go away or shall permit such hackney carriage to be driven or taken away, without the consent of the person making such deposit, before the expiration of the time for which the sum so deposited shall be a sufficient compensation, . . . or if such driver on the final discharge of such hackney carriage shall refuse duly to account for such deposit, every such driver so offending shall forfeit forty shillings. [*Part omitted (as to rates and fares) rep. 37 & 38 Vict. c. 35 (S.L.R.).*]

Penalty on the driver refusing to wait, or to account for the deposit, 40s.

Proprietors to provide check strings; drivers to hold same in their hands.

48. . . . The proprietor of every hackney carriage shall provide and place in such hackney carriage a proper check string or wire, and shall renew the same from time to time so often as occasion shall require; and the driver of every such hackney carriage shall, during the time of his driving any person in such hackney carriage, hold such check string or wire in his hand, so that the same may be used for the accommodation of such person; and if the proprietor of any such hackney carriage shall neglect to provide and place in such hackney carriage such check string or wire as aforesaid, or shall neglect to renew the same when and so often as shall be requisite, or if the driver of any such hackney carriage shall neglect or refuse to hold such check string or wire in his hand during the time aforesaid, every such proprietor and every such driver so offending respectively shall forfeit twenty shillings.

Penalty 20s.

49. [*Property left in carriages. Rep. by the Revenue Act 1869, s. 39.*]

50. . . . If the proprietor or driver of any hackney carriage which shall be hired shall permit or suffer any person to ride or be carried in, upon, or about such hackney carriage, without the express consent of the person hiring the same, such proprietor or driver shall forfeit twenty shillings. Penalty for permitting persons to ride without consent of the hirer, 20s.

51. . . . If any proprietor or driver of any hackney carriage shall stand or ply for hire with such hackney carriage or suffer the same to stand, across any street or common passage or alley, or alongside of any other hackney carriage, or two in a breadth, or within eight feet of the curbstone of the pavement in any such street or common passage or alley; or if any such proprietor or driver, . . . or other person, shall feed the horses of or belonging to any hackney carriage in any street, road, or common passage, save only with corn out of a bag, or with hay which he shall hold or deliver with his hands; or if the driver of any hackney carriage shall refuse to give way if he conveniently can to any private coach or other carriage, or shall obstruct or hinder the driver of any other hackney carriage in taking up or setting down any person into or from such other hackney carriage; or if any such proprietor or driver shall wrongfully, in a forcible or clandestine manner, take away the fare from any other such proprietor or driver, who, in the judgment of any Justice of the Peace before whom any complaint of such offence shall be heard, shall appear to be fairly entitled to such fare; every such proprietor, driver, . . . or other person so offending shall forfeit twenty shillings. Improperly standing with carriage, or feeding horses in the street; refusing to give way to, or obstructing any other driver; or depriving him of his fare; [*Parts omitted (as to watermen) rep. 51 & 52 Vict. c. 57 (S.L.R.).*] Penalty 20s.

52—54. [*Standings for carriages. Rep. 51 & 52 Vict. c. 57 (S.L.R.).*]

55. . . . That if the driver of any hackney carriage shall leave such hackney carriage unattended in any street or road, or at any place of public resort or entertainment, whether such carriage shall be hired or not, it shall be lawful for any officer of police, constable, or other peace officer, watchman, or patrol, to drive away such hackney carriage, and to deposit the same, with the horse or horses belonging or harnessed thereto, at some neighbouring livery stables or other place of safe custody; and such driver shall forfeit twenty shillings for such offence; and in default of payment of the said penalty upon conviction, and of the expences of taking and keeping the said hackney carriage and horse or horses, the same, together with the harness belonging thereto, or any of them, shall be sold by order of the Justice before whom such conviction shall be made, and after deducting from the produce of such sale the amount of the said penalty and of all costs and expences as well of the proceedings before such Justice as of the taking, keeping, and sale of the said hackney carriage, and of the said horse or horses and harness, the surplus (if any) of the said produce shall be paid to the proprietor of such hackney carriage. Penalty for leaving carriages unattended at places of public resort, 20s.

56. . . . If the proprietor or driver of any hackney carriage, or any other person having the care thereof, shall by intoxication, or by wanton and furious driving, or by any other wilful misconduct, injure or endanger any person in his life, limbs, or property, or if any such proprietor or driver . . . shall make use of any abusive or insulting language, or be guilty of other rude behaviour, Proprietors, drivers, or watermen misbehaving.

Penalty, 57.

Licence may be revoked.

Justices empowered to award compensation to drivers for their loss of time in attending to answer complaints which shall not be substantiated against them.

Names and places of abode of owners of waggons, carts, etc. to be painted thereon.

Penalty for using waggons, etc.

to or towards any person whatever, or shall assault or obstruct any officer of stamp duties, or any officer of police, constable, or other peace officer, watchman, or patrol, in the execution of his duty, every such proprietor, driver, . . . or other person so offending in any of the several cases aforesaid, shall forfeit five pounds, and in default of payment thereof he shall be committed to the common gaol or house of correction : . . . and after the conviction of any such proprietor, . . . for any such offence as aforesaid, it shall be lawful for the Commissioners of Stamps, if they shall think fit, to revoke the licence of any such proprietor, . . . and to refuse to grant him any further licence in future. [*Parts omitted (as to watermen and assistants to drivers) rep. by the Summary Jurisdiction Act 1884, s. 4, and 51 & 52 Vict. c. 57 (S.L.R.).*]

57. . . . If any driver of a hackney carriage . . . shall be summoned or brought before any Justice of the Peace to answer any complaint or information touching or concerning any offence committed or alleged to have been committed by such driver . . . against the provisions of this Act, and such complaint or information shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, it shall be lawful for the said Justice, if he shall think fit, to order and award that the complainant or informant shall pay to the said driver . . . such compensation for his loss of time in attending the said Justice touching or concerning such complaint or information as to the said Justice shall seem reasonable : and in default of payment of such compensation, it shall be lawful for the said Justice to commit such complainant or informant to prison for any time not exceeding one calendar month, unless the same shall be sooner paid. [*Parts omitted (as to watermen and assistants to drivers) rep. 51 & 52 Vict. c. 57 (S.L.R.).*]

58. [*Commissioners to give notice of revocation of licences. Rep. by the Revenue Act 1869, s. 39.*]

59. And for preventing the misbehaviour of the drivers of waggons, wains, carts, cars, drays, and other such carriages used in the metropolis and the suburbs thereof, and for the better discovery of offenders, be it enacted, that the owner of every waggon, wain, cart, car, dray, or other such carriage which shall be driven or used in any public street or road within the distance of five miles from the General Post Office in the city of London, shall before such waggon, wain, cart, car, dray, or other such carriage shall be so driven or used as aforesaid, paint or cause to be painted in words at full length, and in one or more straight line or lines, upon some conspicuous place on the right or off side of such waggon, wain, cart, car, dray, or other such carriage, clear of the wheel or wheels thereof, or upon the right or off side shaft thereof, the true Christian name and surname and place of abode of the owner or (if there be more than one) of the principal owner of such waggon, wain, cart, car, dray, or other such carriage, and the letters of all such words shall be painted in legible and conspicuous characters of black upon a white ground or of white upon a black ground, and shall be at least one inch in height, and of a proper and proportionate breadth ; and all such words shall be repainted or renewed in like manner from time to time as often as the same or any part thereof shall become obliterated or defaced. [*Amended 6 & 7 Vict. c. 86, ss. 3, 4.*]

60. . . . If any person shall drive or use, or cause to be driven or used, in or upon any public street or road within the distance of five

miles from the said General Post Office, any waggon, wain, cart, car, dray, or other such carriage upon which there shall not be duly painted in such legible and conspicuous characters as aforesaid, and in the manner directed by this Act, the true Christian name and surname and place of abode of the owner or (if there be more than one) of the principal owner of such waggon, wain, cart, car, dray, or other such carriage, every person so offending shall forfeit five pounds; and it shall be lawful for any person to take and seize such waggon, wain, cart, car, dray, or other such carriage, and any horse drawing the same, and to lodge the same for safe custody at some public green yard, or some livery stables or other place of safety, and them to detain and keep until some one of His Majesty's Justices of the Peace shall hear and determine such offence, and until the penalty which such offender shall be liable and adjudged to pay for such offence, together with the costs of the proceedings for the recovery thereof, and the expences of taking and keeping such waggon, wain, cart, car, dray, or other carriage, and any horse drawing the same, shall be fully paid and discharged; and if, on the conviction of any such offender, the said penalty, costs, and expences shall not be forthwith paid, such waggon, wain, cart, car, dray, or other such carriage, and the horse, so seized and taken as aforesaid, or either of them, shall be sold under an order for that purpose, under the hand of such Justice, directed to the constable or other peace officer of the parish or place where any such offence shall be committed; and the surplus (if any) of the money arising from such sale, after deducting thereout the amount of such penalty, costs, and expences as aforesaid, together also with the costs and expences of such sale, shall be rendered to the owner of the waggon, wain, cart, car, dray, or other carriage or horse which shall have been so seized and sold as aforesaid.

61. [*Duties and penalties, how recoverable. Rep. by the Revenue Act 1869, s. 39.*]

62. . . . It shall be lawful for His Majesty's principal Secretary of State for the Home Department, by such orders and under such regulations as he shall from time to time think fit to make in that behalf, to direct any one of His Majesty's Justices of the Peace appointed or to be appointed under any Act or Acts for regulating the office of a Justice of Peace in the metropolis, to attend daily from the hour of eleven in the forenoon until the hour of three in the afternoon, at such one of the public police offices of the metropolis, or at such other office or place as the said principal Secretary of State shall appoint in that behalf, not being within the city of London, for the purpose of hearing and determining offences against the provisions of this Act; and it shall be lawful for any Justice of the Peace who for the time being shall be in attendance at such public police office, or other office or place to be appointed for that purpose as aforesaid, to hear and determine all such offences as aforesaid in a summary manner, wheresoever the same may have been committed: Provided always, that it shall also be lawful for any other of His Majesty's Justices of the Peace, having jurisdiction where any such offence as aforesaid shall be committed, in like manner to hear and determine the same at any place within his jurisdiction.

upon which the names and places of abode are not painted, 54.

Before whom offences shall be heard and determined.

63. . . . It shall be lawful for any such Justice as aforesaid, in all cases in which no other mode of proceeding is specially provided or directed by this Act, upon information or complaint made by any

Mode of proceeding for penalties

before a
Justice of the
Peace.

person of any offence against the provisions of this Act within thirty days next after the commission of any such offence, to summon the party accused, and also the witnesses on either side, to appear before the said Justice, or before any other Justice of the Peace, at a time and place to be appointed for that purpose; and either on the appearance of the party accused, or in default thereof, it shall be lawful for such Justice, or any other Justice present at the time and place appointed for such appearance, to proceed to examine into the matter of fact, and upon due proof made thereof, by voluntary confession of the party, or by oath of one or more credible witness or witnesses, to give judgment for the penalty or forfeiture, and on nonpayment thereof, together with the costs of such proceedings, to commit the offender to prison, where such commitment is specially directed by this Act; and in any case where such commitment is not so specially directed, such Justice is hereby required to award and issue out of his warrant for the levying of any penalty or forfeiture so adjudged, together with the said costs and expences, and also the costs and expences of such warrant, and of levying the same on the goods of the offender, and to cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus (if any); and where goods of such offender cannot be found sufficient to answer the penalty, and all such costs and expences, to commit such offender to prison, there to remain for any time not exceeding two calendar months, unless such penalty and all such costs and expences shall be sooner paid; and every such imprisonment shall be with or without hard labour, as such Justice shall direct. . . . [*Part omitted (as to Justice's decision to be final) rep. 51 & 52 Vict. c. 57 (S.L.R.) See also the Summary Jurisdiction Act 1879, s. 5.*]

64. [*How goods distrained shall be sold. Rep. 37 & 38 Vict. c. 35 (S.L.R.).*]

65. [*Summonses, convictions, and warrants. Rep. 37 & 38 Vict. c. 35 (S.L.R.), and by the Summary Jurisdiction Act 1884, s. 4.*]

66—67. [*Issue of warrants and attendance of witnesses. Rep. 37 & 38 Vict. c. 35 (S.L.R.).*]

Service of
Justice's
summons.

68. . . . Any summons issued by any Justice of the Peace requiring the appearance of any defendant or of any witness or other person, with reference to any information, complaint, or other proceeding pending for the recovery of any duty or penalty under this Act, shall be deemed to be well and sufficiently served in case either the summons or a copy thereof be served personally on any such person as aforesaid, or be left at his usual or last place of abode, or (in case such person be a licensed proprietor of a hackney carriage. . . .) at the place specified in any such licence as the place of abode of such proprietor . . . ; and if the place so specified cannot be found, or if such proprietor . . . shall not be known thereat, then such summons shall be deemed to be well and sufficiently served if the same or a copy thereof be fixed up in some conspicuous place in the said head office for stamps to be appointed for that purpose. [*Parts omitted (as to watermen) rep. 51 & 52 Vict. c. 57 (S.L.R.).*]

69. [*Penalty on constable refusing to serve a summons or execute a warrant. Rep. by the Summary Jurisdiction Act 1884, s. 4.*]

Justices may
mitigate
penalties.

70. . . . It shall be lawful for any Justice of the Peace before whom any person shall be convicted of any offence against any of the provisions of this Act to mitigate, as he shall think fit, any penalty by this Act imposed, in cases where such Justice shall see

cause so to do. . . . [Part omitted (as to costs) rep. by the Summary Jurisdiction Act 1884, s. 4.]

71. . . . All pecuniary penalties which shall be recovered before any Justice of the Peace under the provisions of this Act, except such as shall be recovered in the city of London or the borough of Southwark, shall respectively be divided and distributed in manner following; (that is to say,) one moiety thereof to His Majesty, and the other moiety thereof (with full costs) to the person who shall inform and prosecute for the same. [But see 2 & 3 Vict. c. 71, s. 34.]

Distribution of penalties.

72. [Informants and complainants may be witnesses. Rep. 37 & 38 Vict. c. 35 (S.L.R.).]

73. [Limitation of actions, venue, etc. Rep. in part by the Limitations of Actions and Costs Act 1842. Remr. by the Public Authorities Protection Act 1893.*]

74. And in order to avoid the frequent use of divers terms and expressions, and to prevent any misconstruction of the terms and expressions used in this Act; be it enacted, that whenever in this Act with reference to any person, animal, matter, or thing, any word or words is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood to include several persons or animals as well as one person or animal, females as well as males, bodies politic or corporate as well as individuals, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction. [See also the Interpretation Act 1889.]

Construction of the terms used in this Act.

75—78. [Hawkers' and pedlars' duties—Commencement of Act—Act may be altered in present session. Rep. 37 & 38 Vict. c. 35 (S.L.R.).]

SCHEDULES (A), (B), & (C). [(As to duties, rates, and fares) rep. 32 & 33 Vict. c. 14, s. 39.]

SCHEDULE (D). [(As to forms of proceedings) rep. by the Summary Jurisdiction Act 1884, s. 4.]

CHAPTER LXXVI.

AN ACT FOR REGULATING THE VEND AND DELIVERY OF COALS IN THE CITIES OF LONDON AND WESTMINSTER, AND IN CERTAIN PARTS OF THE COUNTIES OF MIDDLESEX, SURREY, KENT, ESSEX, HERTFORDSHIRE, BUCKINGHAMSHIRE, AND BERKSHIRE. [5th October 1831.]

1. [Repeal in part of (inter alia) 9 Ann. c. 28.]

45. . . . If any seller or sellers of or dealer or dealers in coals shall knowingly sell one sort of coals for and as a sort which they really are not, within the said Port of London, or at any place within the cities of London and Westminster, or within the distance of twenty-five miles from the Post Office † aforesaid, every such seller or sellers of or dealer or dealers in coals shall forfeit and pay for every such offence the sum of ten pounds per ton for every ton of coals so sold, and so in proportion for any smaller quantity; and such seller or sellers of or dealer or dealers in coals shall not be subject or liable to any penalty imposed by the

For preventing the sale of one sort of coals for another.

Penalty 10*l*.

* See Appendix.

† I.e. the General Post Office in the city of London.

* said Act of the ninth year of the reign of Queen Anne, or by an
 * Act made in the third year of the reign of King George the Second,
 intituled An Act for the better regulation of the coal trade, on every
 person who shall knowingly sell one sort of coals for and as a sort
 which they really are not: Provided always, that no seller or sellers
 of or dealer or dealers in coals shall be subject to such penalty for
 or in respect of any number of tons exceeding twenty-five tons for
 the same offence.

77. [*Recovery and application of fines and penalties not exceeding*
25l. Superseded by 14 & 15 Vict. c. cxlvi. s. 28.]

Power to the
 Justice to
 give part of
 penalties to
 informers.

79. Provided always nevertheless, . . . that it shall be lawful
 for any Justice or Justices before whom any such conviction shall
 take place, if they or he shall think fit, to order and direct any part,
 not exceeding one half, of such fines, penalties, and forfeitures, to
 be paid or applied to or for the use of the informer or informers, or
 other persons aiding or assisting in the apprehension of the offender
 or offenders, or any of them.

Penalties
 incurred by
 carmen may
 be recovered
 from their
 employers;

81. . . . Where any carman, driver, or other person employed
 by any seller or sellers of or dealer or dealers in coals, shall have
 been convicted of any offence against this Act, and the penalty
 or forfeiture for the same, or any sum directed to be paid to any
 witness, shall not be forthwith paid, the same respectively shall
 be paid by the seller or sellers, dealer or dealers, by whom such
 carman, driver, or other person shall have been employed at the
 time when such offence was committed . . . : Provided always, that
 such carman, driver, or other person shall be liable to repay to such
 seller or sellers, dealer or dealers, the amount of such penalty and
 the costs attending the same: and in case of nonpayment thereof,
 upon demand, and oath, or by a Quaker or Quakers an affirmation,
 of the payment thereof, and that the same and the costs thereof
 have not been repaid by such carman, driver, or person, although
 demanded, (such oath or affirmation to be made before any Justice
 or Justices of the Peace for the county, city, or place where such
 penalty shall have been recovered,) the amount of such penalty and
 costs shall be recovered in like manner as any penalty is directed to
 be recovered by this Act, and shall be paid to such seller or sellers,
 dealer or dealers respectively. [*Note to s. 77 applies to part*
omitted (as to recovery of penalties).]

who may
 recover them
 back.

82. . . . It shall and may be lawful to and for any person or per-
 sons so convicted by any Justice or Justices of the Peace, as before
 mentioned, of any offence or offences against this Act, or against
 any rule, order, or byelaw made in pursuance thereof, to appeal
 to the Justices of the Peace assembled at the next General
 Quarter Sessions or General Sessions to be holden for the county,
 city, or place where such conviction shall be made. . . .

Appeal to
 the Quarter
 Sessions.

85. . . . All fines, penalties, or forfeitures exceeding the sum of
 twenty-five pounds by this Act imposed for any offence or
 offences committed against this Act shall and may be recovered
 by action of debt, bill, plaint, or information in any of His Majesty's
 Courts of Record at Westminster, . . . by the person or persons

Penalties
 above 25l.,
 how to be
 recovered.

who shall inform and sue for the same within three calendar months after the offence or offences shall be committed ; and one moiety of all such fines, penalties, or forfeitures shall be to and for the use of our sovereign lord the King, his heirs and successors, and the other moiety thereof . . . shall be to and for the use of the person or persons who shall inform or sue for the same.

91. [*Act to be judicially noticed.*]

SCHEDULE. [*Form of oath. Spent.*]

[*The Act also relates in part to the Coal Exchange in the City of London, to the provision of a Coal Market by the Corporation of the City of London and the management thereof. The other parts of the Act which are omitted are either repealed by the Limitations of Actions and Costs Act 1842, or 52 & 53 Vict. c. 17, or superseded by the Summary Jurisdiction Acts, or the Weights and Measures Act 1889, or spent.*]

3 & 4 WILLIAM IV. A.D. 1833.

CHAPTER 48.

AN ACT TO AMEND AN ACT OF THE SECOND AND THIRD YEARS OF HIS PRESENT MAJESTY, RELATING TO STAGE CARRIAGES IN GREAT BRITAIN ; AND ALSO TO EXPLAIN AND AMEND AN ACT OF THE FIRST AND SECOND YEARS OF HIS PRESENT MAJESTY, RELATING TO HACKNEY CARRIAGES USED IN THE METROPOLIS.

[*28th August 1833.*]

[*Preamble recites the Stage Carriages Act 1832.*]

1—3. *Number of outside passengers—Luggage.* *Rep. 37 & 38 Vict. c. 35 (S.L.R.).*

4. . . . No person shall be allowed to sit or be carried upon any luggage placed on the roof of any stage carriage, and not more than one passenger or other person shall be allowed to sit or be carried upon the box with the driver of any stage carriage ; and that if any person shall sit or be carried upon any luggage placed as aforesaid, or if more than one person besides the driver shall sit or be carried upon the box of any stage carriage, the driver of such stage carriage at the time when any such offence shall be committed shall forfeit five pounds.

No person to sit on luggage on the roof, nor more than one person besides the driver on the box.

Penalty 5*l.*

5. . . . All penalties which may be incurred under the provisions of this Act may be prosecuted for and recovered by information or complaint before a Justice of the Peace in the name of any person who will inform or complain in that behalf, by the same ways and means and in the same manner and form as are and is provided for the recovery of any penalty incurred under the said recited Act ; and all clauses, regulations, and provisions contained in the said recited Act, relating to the recovering, levying, or mitigating of the penalties thereby imposed, shall be of full force and effect, and shall be applied and put in execution for the recovering, levying, and mitigating of the penalties by this Act imposed, as fully and effectually to all intents and purposes as if such clauses, regulations,

Mode of recovering penalties.

and provisions had been repeated and specially enacted in this Act with reference to the penalties by this Act imposed.

Application
of penalties.

6. Provided always, . . . that all pecuniary penalties imposed by or incurred under this Act and under the said recited Act, or either of them, whether the same shall be sued or prosecuted for and recovered by or in the name of His Majesty's Attorney General in England, or His Majesty's Advocate for Scotland, or the Solicitor of Stamps, or any other officer of stamp duties in England or Scotland respectively, or for the recovery of which any information or complaint shall be made or any action or suit commenced by any other person or persons whomsoever, shall go and be applied to the use of His Majesty, any thing in the said recited Act to the contrary thereof notwithstanding; and all such penalties shall be paid or remitted to the Solicitor of Stamps in the manner directed by the said Act, and shall be deemed to be part of His Majesty's revenue arising from stamp duties, and shall accordingly be accounted for and paid by the said solicitor to the Receiver General of Stamp Duties: Provided always, that it shall be lawful for the Commissioners of Stamps, at their discretion, to give all or any part of any such penalties as rewards to any person or persons who shall have detected the offences for or in respect of which such penalties shall have been incurred, or who shall have given information which may have led to the discovery thereof or to the conviction of the offenders. [See 2 & 3 Vict. c. 71, s. 47.]

The Act
1 & 2 W. 4.
c. 22. not to
extend to
steam car-
riages.

7. And whereas an Act was passed in the first and second years of the reign of His present Majesty, intituled An Act to amend the laws relating to hackney carriages, and to waggons, carts, and drays, used in the metropolis . . .; and doubts have arisen whether carriages drawn or impelled by the power of steam, and used for the conveyance of passengers for hire, are hackney carriages, subject to the duties and regulations imposed and enacted by the said last recited Act; for removing such doubts, be it enacted and declared, that nothing in the said last recited Act shall extend or be deemed or construed to extend to any carriage drawn or impelled by the power of steam, or otherwise than by animal power. [*Part omitted (part of title of 1 & 2 Will. 4, c. 22) rep. 54 & 55 Vict. c. 67 (S.L.R.).*]

4 WILLIAM IV. A.D. 1834.

CHAPTER 21.

AN ACT FOR AMENDING CERTAIN PROVISIONS OF AN ACT OF THE THIRTY-SIXTH OF GEORGE THE THIRD, FOR REGULATING THE BUYING AND SELLING OF HAY AND STRAW. [16th June 1834.]

[*Preamble recites sections 15 & 16 of 36 Geo. 3, c. 88, and recites that the said recited provisions were well calculated to prevent obstructions and inconvenience to the public in markets held for the sale of hay and straw in open or public streets or thoroughfares, but that the same are unnecessary, and may become vexatious and oppressive, in other markets, and ought therefore to be partially repealed.*]

Recited pro-
visions of
36 G. 3, c. 88.
repealed as
to certain
markets.

1. . . . The several provisions of the said Act of the thirty-sixth year of the reign of King George the Third, chapter eighty-eight, which are hereinbefore recited, shall be and the same are hereby

repealed so far as regards any market for the sale of hay, straw, and clover through which there does not exist by law any public right of way for carts and carriages: and upon any complaint made or information laid for the recovery of penalties upon breach of any of the said recited provisions of the said Act it shall be incumbent upon the party suing for such penalty to show by evidence that there does exist such public right of way for carts and carriages through the market in which the offence shall be charged to have been committed.

6 & 7 WILLIAM IV. A.D. 1836.

CHAPTER CXXVIII.

* AN ACT FOR MAKING AND MAINTAINING A PIER WHARF AND OTHER WORKS AT GREENWICH IN THE COUNTY OF KENT.

[28th July 1836.]

[*Preamble recites (inter alia) that it would be of great public utility, if a pier wharf or jetty were erected, made, and maintained at Greenwich aforesaid: and that certain persons acting on behalf of the subscribers to the intended undertaking have agreed to take on lease from the Commissioners of Greenwich Hospital a piece of land situate at Greenwich aforesaid, whereon to construct the abutment and form the landing of the said pier wharf or jetty, and the necessary works belonging thereto, which lease is to be for a term of eighty years from the 24th June 1837, or from such earlier period as the said pier wharf or jetty and other works shall be finished and opened to the public, at the yearly rent of £150, free from taxes.*]

1. Sir Richard Dobson, Robert Matthew Isacke, Thomas Martyr, Matthew James Popplewell, Edward Wilkinson, Honeyman Macqueen Mackay, Robert Wintle Innes, John Sutton, George Martyr, Thomas Kinsman Bryan, Henry Mathew, Graham Simson, Thomas Calvert Morton, John Carttar, John Inwood Langley, John Smallman Masters *Clerk*, Thomas Oak, Edward Bate, William Debonaire Haggard, Edward Leman, Joseph Maynard Ward, Thomas Brockelbank, William Paine, James Colquhoun, William Brownfield the younger, Frederick Finch, William Calvert, John Aitchison, Thomas Oswald, James Martyr, and William Giles, and their respective successors, executors, administrators, and assigns, or such of them as shall from time to time be possessed of any share or shares in the undertaking hereby authorized, and also all such other person or persons as shall from time to time be possessed of any share or shares therein, and their respective successors, executors, administrators, and assigns, shall be and they are hereby united into a company for the constructing, making, maintaining, and carrying out a pier wharf or jetty into the River Thames at Greenwich in the county of Kent, together with quays, works, and all other conveniences and requisites thereto, according to the powers and authorities hereinafter contained, and shall be one body politic and corporate by the name of "The Greenwich Pier Company," and by that name shall have perpetual succession and a common

* See 1 Edw. 7. c. ccliii.

seal, and by that name shall and may sue and be sued, and shall have full power and authority to take a lease of the land agreed to be demised by the Commissioners of Greenwich Hospital as aforesaid, upon the terms so as aforesaid agreed upon, or upon any other terms hereafter to be agreed upon between the said Commissioners and the said Company, and to renew such lease from time to time and when and as often and during so long as the said Commissioners shall agree to grant a renewal thereof, and also to purchase the fee simple of the said land, if the said Commissioners shall agree to sell the same to the said Company, and to hold the said land, and any other lands, tenements, and hereditaments, to them the said company, their successors and assigns, for the use of the said undertaking, without incurring any of the forfeitures of the statutes of mortmain.

Power to
erect a pier
and other
works.

2. . . . It shall be lawful for the said Company and they are hereby authorized and empowered, from and after the passing of this Act, subject to the stipulations hereinbefore referred to between the said Company and the Commissioners of Greenwich Hospital, to erect and make, and thenceforward to maintain, at Greenwich aforesaid, a pier wharf or jetty on the south side of the River Thames in the parish of Saint Alphage, Greenwich, in the county of Kent, from that part of the bank of the said river which is situate between certain public stairs or landing places in the said parish called or known by the name of Garden Stairs, and certain other stairs called or known by the name of Ship Stairs, according to the plan deposited with the town clerk of the said city of London, for the embarking and disembarking, landing and shipping of passengers, and of horses, carriages, cattle and other live stock, and lading and unlading ships and vessels, in such manner, and subject to such orders and directions, as the directors of the said Company, to be appointed in the manner hereinafter mentioned, or the major part of them present at any of their meetings, shall deem necessary or expedient : and also to erect and make such landing places, embankments, and other works as the said directors shall think necessary and proper, for rendering the said pier wharf or jetty useful and convenient for the landing and embarking of passengers and goods ; and also to make avenues and approaches to the said pier wharf or jetty, and other works, as the said directors shall in manner aforesaid deem necessary and proper ; and also to erect and make proper and convenient toll gates and houses for the collectors of the tolls to be taken under the authority of this Act, upon or near to the said pier wharf or jetty, avenues or approaches : and for the purposes, and subject as aforesaid, it shall be lawful for the said company, their servants, agents, and workmen, to dig and make proper foundations in the said river and on the land adjoining, and to deepen the bed of the said river in front of the said pier wharf or jetty, and also to alter and excavate the said public stairs or landing place called Garden Stairs, and the causeway thereof, and from time to time to repair, rebuild, pull down, vary or alter the said works, or any of them ; the works in the said river, and connected therewith, to be done and performed to the satisfaction of the clerk of the works for the time being employed in the Thames navigation : Provided always, that no toll gate shall be erected under or by virtue of this Act at any farther or greater distance from the front or river wall of the said pier wharf or jetty to be constructed by virtue of this Act than the space of fifty yards to the southward thereof.

3. . . . The said pier wharf or jetty and works shall be so constructed, and so kept and used as not to injure the stairs or steps and causeway when altered called Garden Stairs, now used by the watermen as a plying place, and which will be on the western side of the said pier wharf or jetty, and so that the same stairs and steps and causeway when altered may remain and be used and enjoyed as heretofore.

Present plying place called Garden Stairs not to be injured.

4. . . . In case at any time or times there shall be any accumulation of mud, sand, dirt, or other matter adjoining to the said pier wharf or jetty, or in the neighbourhood thereof, occasioned thereby, which shall appear to the * Mayor, Aldermen, and Commons of the city of London in Common Council assembled, or to the Lord Mayor of the said city for the time being, as conservator of the River Thames, to be injurious to the navigation of the said river, then and in every such case the said company shall, within thirty days after notice in writing for that purpose, by the * town clerk of the said city of London, shall have been left at the office of the clerk of the said Company, cause the said mud, sand, dirt, or other matter to be taken away and effectually removed; and in case the said Company shall neglect or refuse to cause the said mud, sand, dirt, or other matter to be removed effectually, it shall be lawful for the said * Mayor, Aldermen, and Commons, in Common Council assembled, or the said Lord Mayor for the time being, to employ other persons to take away and remove the same, and the said Company shall, on demand, pay to the * Mayor and commonalty and citizens of the said city of London all costs and charges occasioned by the removal thereof, and the same may be recovered from the said Company by an action of debt in any of His Majesty's Courts of Law at Westminster.

Any accumulation of mud, etc. to be removed.

5. . . . In case the said pier wharf or jetty shall not be completed and finished by the said Company within the time limited by this Act, or in case at any time after the same shall have been completed and finished it shall not be kept in proper repair, and shall become a nuisance or an impediment to the safe navigation of the said River Thames, and the said Company shall not, within thirty days after a notice in writing for that purpose shall have been left at the office of the clerk of the said Company, immediately proceed to repair the said pier wharf or jetty, or shall refuse to repair the same, and render it free from all danger to the navigation of ships and vessels, as the case may be, then and in either of the said cases it shall be lawful for the said * Mayor, Aldermen, and Commons, in Common Council assembled, or the said Lord Mayor for the time being, to employ persons to take away and remove the materials of the said pier wharf or jetty, and to sell and employ the same for the purposes of the improvement of the navigation of the said River Thames.

For obviating danger to the navigation of the River Thames.

6. . . . The said Company shall pay to the said * Mayor and commonalty and citizens of the city of London, . . . their successors, collectors, or assigns for and during the continuance of the said term of eighty years, and so long thereafter as the said pier shall continue the property of the said Company, their successors, or assigns, an annual rent or sum of five pounds five shillings after the said bank or wall, and shore and bed, shall be cut and dug, and the communication completed, for the purposes aforesaid; and such annual sum is hereby charged upon and made payable by and may

Payment to be made to the city of London for cutting into and communicating with the River Thames.

* Now the Thames Conservators. See 20 & 21 Vict. c. cxlvii. since rep. by 57 & 58 Vict. c. clxxxvii. (See Appendix.)

be recovered from the said Company by action of debt in any of His Majesty's Courts of Law at Westminster. . . . [*Parts omitted (as to acknowledgment for making works) spent : (as to payment by Greenwich Hospital) rep. 7 Will. 4, c. lvi. s. 50.*]

7—41. [*Financial provisions—As to shares, directors, and Company's procedure. See 4 Edw. 7, c. cciii. s. 6.*]

41—43. [*As to byelaws. See 18 & 19 Vict. c. 120, s. 202, and 4 Edw. 7, c. cciii. s. 22.*]

44—50. [*As to committees of directors and calls on shares. See 4 Edw. 7, c. cciii. s. 6.*]

Plan deposited with Clerk of the Parliament and the Town Clerk of the city of London to remain there, and be open to inspection.

51. And whereas a map or plan describing the situation of the said pier wharf or jetty and other works will be deposited in the office of the Clerk of the Parliament and with the Town Clerk of the city of London; . . . the said map or plan so to be deposited shall remain with and be kept by the said clerk, and all persons interested therein shall have liberty to inspect, peruse, and make copies thereof at reasonable times, on payment to the said clerk of one shilling for each time of inspection, and one shilling more for every hour during which such inspection shall continue after the first hour, and paying for every copy the sum of twenty shillings: and the said map or plan, or a true copy thereof, or of so much thereof as shall relate to any matter which may be in question, shall be and is hereby declared to be good evidence in all courts of law and elsewhere.

52. [*Time for completion of works limited to five years. Spent.*]

Rates or duties directed to be paid.

53. . . . The master of every packet, boat, and other vessel carrying passengers, and every other ship, vessel, boat, or other craft who shall embark or disembark such passengers, or lade or unlade, take on board or discharge, any goods, wares, or merchandize, at the said pier wharf or jetty, shall pay to the said Company in regard thereof the several rates or duties set down in figures against the words applicable to the same respectively in the schedule hereunto annexed.

Tolls on passengers.

54. . . . Every passenger who shall land from or embark in any ship, packet, vessel, boat, or other craft, and every person who may land at or embark from the said pier wharf or jetty, and every person who shall walk on the said pier wharf or jetty, or the approaches thereto, shall pay to the said company, in respect of every such landing or embarkation, and of every time of entering or coming upon such pier wharf, or the approaches thereto, such sum as the said directors shall direct not exceeding the sum mentioned in the Schedule and set down in figures against the words respectively applicable to such landing, embarkation, or walking: and the money payable by or in respect of passengers shall be collected and received by the master of the ship, vessel, boat, or other craft carrying such passengers, before the departure of such passengers from on board such ship, packet, vessel, boat, or other craft, and shall be by such master with all convenient speed paid over to the collector for the time being, or other person to be appointed by the said directors for that purpose: Provided always, that it shall be lawful for the officers of the said company to prevent every person from walking on the said pier wharf or jetty, avenues and approaches, except persons landing at or embarking from the said pier wharf or jetty, from or in any ship, boat, or vessel, and persons paying the said toll or duty, or compensation for the same.

Company may prevent persons from walking on the pier without payment of tolls.

55. Provided always, . . . that no toll shall be payable, demanded, or taken under the authority of this Act, on any pretence whatsoever, unless the person or persons from whom, or the several goods or chattels, articles, matters, or things, in respect of which tolls shall be demanded, shall have entered or been upon some part of the said pier wharf, or other works of the said Company to the northward of any toll gate by this Act authorized to be erected, upon the occasion of demanding such toll.

Toll not to be demanded except from persons or for goods having been upon the pier or wharf.

56. . . . No rate or duty shall be charged or chargeable for or in respect of any soldier or sailor in His Majesty's service, while on duty, who shall land from or embark in any ship, packet, or other vessel within the limits aforesaid.

Exempting soldiers and sailors from tolls.

57. Provided always, . . . that nothing in this Act contained shall extend or be construed to extend to charge with the payment of any of the rates or duties herein or hereby imposed and made payable in respect of the said pier wharf or jetty and the avenues thereto, any person in respect of any of His Majesty's ships, vessels, boats, or other craft, or of any other ship, vessel, boat, or craft whatsoever in the service of His Majesty's Customs or Excise, or in the service of the Board of Ordnance, or of His Majesty's Postmaster General, nor of any vessel which may be seized by the officers of His Majesty's Revenues, nor in respect of any goods, wares, or merchandize the property of the Crown or under seizure, nor of any articles shipped or landed for the public service, nor of any ship, transport, or packet employed in His Majesty's service in the conveyance of any officers or soldiers, or any horses, arms, ammunition, or baggage belonging to them or any of them; but if any person shall claim and take the benefit of any exemption as aforesaid without being entitled thereto, every such person shall for every such offence forfeit and pay the sum of forty shillings, over and above the rates and duties imposed by this Act.

General exemptions.

58. . . . It shall be lawful for any Justice of the Peace acting within his jurisdiction, upon the application of the treasurer, clerk, or any other officer of the said Company, or any of the directors, from time to time to summon and call before him, by summons, at any time and place, any person being the owner, part owner, or master, or having the rule or command of any ship or vessel, or any other person liable to pay any of the rates, duties, or sums of money by this Act imposed, to examine and inquire of and concerning all and every or any goods, wares, and merchandize, freight, fare, and number of passengers, duty on passengers, or other matters or things liable to the payment of any of the rates, duties, and sums of money hereby imposed, and whether all and what part of such rates or sums of money shall have been paid or not paid, and when and by whom and to whom; and in case any person so summoned shall not appear at the time and place in the said summons mentioned, without sufficient excuse, he shall forfeit and pay for every such nonappearance the sum of twenty pounds, to be recovered by the said Company for the use of the said Company, together with costs of suit . . . in any court of record, . . . or upon conviction in a summary way, in the same manner as other fines, penalties, and forfeitures are by this Act directed to be recovered.

Persons liable to payment of duty may be summoned and examined upon oath.

59. Provided always, . . . that it shall be lawful for the said directors and they are hereby authorized to allow masters of such ships, packets, vessels, boats, and other craft carrying passengers for

Allowance to masters for passengers accounted for.

hire, at and after a rate not exceeding one shilling in the pound upon the amount of the aforesaid duty on passengers by such masters respectively received and duly accounted for.

Company empowered to lease tolls.

60. . . . It shall be lawful for the said directors to let, lease, or demise all or any of the tolls and duties hereby authorized to be taken for any term of years not exceeding three years at any time, for such rent, payable at such times and under such covenants as they shall think fit, taking sufficient security from the person to whom such tolls shall be let, leased, or demised for payment of such rent and performance of such covenants respectively.

Company empowered to reduce and again to raise the tolls.

61. . . . It shall be lawful for the said Company from time to time to lower or reduce all or any of the tolls and duties hereby granted, but no reduction of any such tolls or duties shall be made or take place unless a majority of the proprietors present at some general or special general meeting shall assent thereto; and it shall be lawful for the said Company in like manner again to raise the said tolls to such sum as they shall think proper, not exceeding the sums hereby authorized to be taken.

List of dues to be fixed on conspicuous places in or near the pier.

62. Provided always, . . . that the said directors shall from time to time cause to be painted on boards, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, upon conspicuous places in or near the proposed pier wharf or jetty, or the approaches thereto, in large and legible characters, a list of the several rates and duties for the time being authorized to be taken as herein is mentioned in respect of the said pier wharf, jetty, or approaches; and it shall not be lawful for the said directors to demand and take, or cause to be demanded or taken, any of the rates or duties herein authorized to be taken in respect of the said pier wharf, jetty, or approaches, but during such time as the board so painted as aforesaid shall remain fixed as aforesaid.

Officers empowered to distrain.

63. . . . It shall be lawful for the said treasurer, collector, or any other person authorized and deputed by the said directors to go on board any ship or other vessel to demand, collect, and receive the said rates and duties by this Act due and payable, and for non-payment thereof to take and distrain any goods or merchandize on board of such ship or vessel or any part thereof, and the same to detain and keep until he be satisfied and paid the said rates and duties; and in case of any neglect or delay in the payment of any of the said rates and duties for five days after any distress so taken as aforesaid, then it shall be lawful for the treasurer, collector, and receiver of the said rates and duties to cause such distress to be appraised by one or more sufficient person or persons, to be nominated by any Justice of the Peace for the said * county of Kent, and afterwards to sell the said distress so taken and appraised, and thereout to satisfy himself, as well for and concerning the duty so neglected or delayed to be paid, and for which a distress shall be so taken as aforesaid, as also for his reasonable charges in the taking and keeping of such distress, rendering to the master or other person having the rule or command of the ship or vessel in or from which such distress shall be so taken the overplus, if any there shall be, on demand.

Penalty on persons resisting payment of toll, etc.

64. . . . In case any person shall resist or make forcible opposition against any director or person employed in the due execution of this Act, or shall assault any officer, surveyor, or agent of the said Company, or any collector of tolls, in the execution of his office, or shall

* Now the County of London. See 51 & 52 Vict. c. 41, s. 40.

forcibly pass through the toll gates or bars to be erected by virtue of this Act, without having paid the said tolls, every such person shall for every such offence forfeit and pay any sum not exceeding five pounds.

65. And for the more effectual securing the payment of the said rates and duties, . . . the collector or comptroller and every other officer whatsoever of His Majesty's Customs shall hereafter be authorized, by the approbation of the Commissioners of His Majesty's Customs, to refuse to give or make out any cocket or other discharge, or take any report, outwards or inwards, for any ship, vessel, or boat using the said pier wharf or jetty, until the rates and duties by this Act made payable, according to the true intent and meaning hereof, shall be paid unto the collector or other person from time to time appointed to receive the same ; and no such ship, vessel, or boat shall leave the said pier wharf or jetty without producing a pass from such last-mentioned collector or receiver.

66. . . . If any master, owner, or other person having the rule or command of any ship, vessel, boat, or other craft, or any other person whomsoever, shall, by any means whatsoever, at any time elude or evade the payment of any rates or duties herein authorized to be taken in respect of the said pier wharf or jetty, or the approaches thereto, every person eluding or evading payment as aforesaid shall forfeit and pay to the said company, in addition to the said rates and duties, a sum equal to the amount of such rates and duties, and shall also stand charged with and be liable to the payment of such rates and duties, as well as the forfeiture incurred by having eluded or evaded the payment thereof: and the same shall and may be recovered from such master or owner or such other person at any time, either by the means herein prescribed for levying the said rates and duties, and by the same method, or in such manner as is herein directed for levying and recovering the fines, forfeitures, and penalties imposed by this Act, and with the like costs.

67. . . . If any dispute shall arise concerning the amount of the rates or duties due, or the charges occasioned by any distress, it shall be lawful for the collector or person distraining to detain such distress, or the money arising from the sale thereof (as the case may happen), until the amount of the rates or duties due, and the charges of seizing, distraining, keeping, or selling such distress, (as the case shall happen,) shall be ascertained by a Justice of the Peace for the said *county of Kent, who, upon application made to him for that purpose, shall examine the said matter upon oath of the parties or other person or persons, and determine the amount of the rates or duties due ; and it shall be lawful for such Justice to assess and award such costs to be paid by either of the parties to the other of them as he shall think fit and reasonable ; and in case of nonpayment thereof, on demand, such costs shall and may be recovered and levied by such ways and means and in such manner as the rates, duties, and charges hereby granted and imposed are hereby appointed to be recovered and levied.

68. . . . In case the person having the rule or command of any ship, vessel, or other craft which shall be moored to the said pier wharf, or to any mooring places of or belonging to the said pier wharf, shall refuse or neglect to obey the orders given by the pier master for the time being, every person so offending shall for every

* Now the county of London. See 51 & 52 Vict. c. 41, §. 49.

such offence forfeit and pay to the said Company any sum not exceeding ten pounds.

Penalty on
persons
damaging
pier, etc.

69. . . . Every person who shall at any time hereafter wilfully or maliciously injure, demolish, or break down the said pier wharf or jetty, avenues or approaches, or any of the works to be made as aforesaid, or any part thereof, or the fences or buildings respectively which shall be constructed in or upon or which shall belong to the said pier wharf or jetty, avenues or approaches, or other works, or any table of tolls or bye-laws affixed thereon, or shall wilfully and maliciously extinguish any light used for the lighting the said pier wharf or jetty, and the ships, vessels, or boats resorting to or passing the same, shall forfeit and pay for every such offence any sum not exceeding ten pounds, and shall besides pay for or make good all such damage : and the amount of such penalty and damage, in case the same shall not exceed the sum of twenty pounds, shall be recoverable before any two Justices of the Peace for the * county of Kent, who are hereby authorized and empowered to summon before them the person doing such wilful or malicious damage as aforesaid, and to hear and determine the same, and ascertain such damage ; which penalties shall be recovered as other penalties are by this Act directed to be recovered : and the same, when levied in manner aforesaid, shall go and be paid to the treasurer of the said Company, to be applied to the purposes of this Act. [*See also 18 & 19 Vict. c. 120, s. 206, and the Malicious Damage Act 1861.*]

Penalty for
injuring ropes
by which
vessels are
moored.

70. . . . If any person shall wilfully and maliciously cut, break, or in any manner destroy or injure any rope or other thing by which any ship or other vessel shall be moored and fastened to the said pier wharf, or to the mooring chains or mooring places of the said Company, such person shall for every such offence forfeit and pay any sum not exceeding forty shillings : Provided always, that such penalty shall not in any manner preclude or bar or affect the recovery of any damages in any action which may be brought for any injury which may arise from cutting, breaking, destroying, or injuring any such rope, chain, or any other thing as aforesaid : Provided also, that nothing herein contained shall hinder or restrain any pier master to be appointed in pursuance of this Act, or his assistant, from exercising any of the powers and authorities vested in him.

Remedy in
case of ships
damaging the
pier, etc.

71. . . . In case any ship or vessel shall be wilfully run or driven either against the said pier wharf or any of the works to be erected or made by virtue of this Act, so as to break, damage, or injure the same, the person having the government or rule of such ship or vessel, or acting as such, shall be liable to answer and make good the damage or injury done, and the same, not exceeding the sum of twenty pounds, shall and may be settled and ascertained in a summary way by any Justice of the Peace for the said * county of Kent ; and in case such person shall refuse to pay the sum to be awarded by the said Justice for or in respect of such damage or injury, it shall be lawful for the said Justice, by warrant under his hand and seal, to cause such ship or vessel to be seized and distrained, together with the tackle, furniture, and apparel thereof, until due judgment thereof, together with the reasonable charges of such seizure and distress : and if such ship or vessel shall not be redeemed within five days after the same shall have been so seized and

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40.

distrained it shall be lawful for the person so seizing and distraining the same to sell so much of the tackle, furniture, and apparel of or belonging to such ship or vessel as shall be sufficient to make good the said damage or injury, and all the costs and charges in consequence thereof, rendering the surplus (if any) to the owner or master of such ship or vessel.

72. . . . The master or owner of every ship, boat, or other vessel shall be and is hereby made answerable for any damage, spoil, or mischief which shall be done by his ship, boat, or other vessel, or any of the sailors, boatmen, or other persons belonging to or employed in or about the same, to the said pier wharf or any of the works in or about and belonging to the said pier wharf, the amount of such damage, spoil, or mischief to be recovered in like manner as any penalty is in and by this Act directed to be recovered; and in case the owner of any ship, boat, or other vessel as aforesaid shall be compelled to pay any penalty, or to make satisfaction for any damage, by reason of any wilful act or default done or committed by his servants, every such servant shall be liable to repay such penalty or the money paid for such damage to such owner, and in case of nonpayment thereof upon demand the same shall be recoverable by such owner in like manner as any penalty is in and by this Act directed to be recovered.

73. . . . In case any person shall throw or empty into the river, within thirty yards of the said proposed pier wharf or jetty, or the avenues or approaches thereto, any stones, rubbish, dirt, earth, ashes, night soil, or ballast, or dig or take away from thence any ballast, shingle, stones, or other things the removal or taking away of which may be detrimental to the proposed pier wharf or jetty, or the avenues or approaches thereto, or the landing place, or to the works to be erected as aforesaid, or do any other act, matter, or thing to annoy, hinder, obstruct, or encroach upon the same respectively, the person so offending shall forfeit and pay any sum not exceeding five pounds; and it shall be lawful for the said Company and their officers and servants, or any of them, from time to time and at all times when and as occasion shall require, to take away and remove, or cause to be taken away and removed, any encroachment or obstruction which may be necessary to be taken away and removed, for the building, maintaining, improving, and regulating the said pier wharf or jetty, or the approaches thereto. [*See also the Rivers Pollution Prevention Act 1876, s. 2.*]

74. . . . It shall be lawful for the surveyors appointed or to be appointed by the said directors, and such persons as they shall respectively appoint, from time to time to remove all obstructions, annoyances, and encroachments in or upon any part of the said pier wharf or jetty, or the approaches thereto.

75. . . . It shall be lawful for the said directors and they are hereby empowered to cause such and so many lamp irons or lamp posts to be put up or affixed in, upon, or along the sides of the said pier wharf or jetty, and also, if they shall think it expedient, on the approaches thereto, and also to cause such number of lamps, of such sizes and sorts, to be provided and affixed or put up, together with such lamp irons and lamp posts as they shall think necessary, for lighting the said pier wharf or jetty, and every or any part thereof, and the approaches thereto, and to cause the said lamps to be lighted as and when they shall think proper.

Penalty if steam packets shall not depart at the time appointed.

76. . . . If after the time fixed for the departure of any steam packet from the said pier wharf to London or other places shall have expired the said vessel shall not immediately depart beyond the said parish of Greenwich, or opposite thereto, then and in every such case the owner, master, or manager of any such steam packet shall for every such offence forfeit and pay any sum not exceeding five pounds, in the discretion of the Justice or Justices before whom the complaint shall be heard and determined.

Compensation for damages, etc. done by the Company to be levied by distress of the goods vested in the Company.

77. . . . If and when and as often as any sum of money shall be directed or ordered to be paid by the said Company or their directors to any person as or by way of compensation or satisfaction for any damage, spoil, or injury of any nature or kind whatsoever, done or committed by such Company or their directors or any person acting by or under their authority, or for any costs and expences relating thereto, and such sum of money shall not be paid by the said Company or their directors to the party entitled to receive the same within ten days after demand in writing shall have been made for that purpose, then and in every such case the amount of such compensation or satisfaction, costs or expences, shall and may be levied and recovered by distress and sale of the goods and chattels vested in the said Company by virtue of this Act, or of the goods and chattels of their treasurer for the time being, under a warrant to be issued for that purpose by any Justice of the Peace for the said *county of Kent (which warrant such Justice is hereby authorized and required to grant under his hand and seal), on application made to him for that purpose by the party entitled to receive such sum of money as or by way of compensation or satisfaction, costs or expences, for any damage, spoil, or injury as aforesaid, or for any costs or expences as aforesaid; and in case any overplus shall remain after payment of such sum of money, and the costs and expences of hearing and determining the matters in dispute, and also the costs and expences of such distress and sale, then and in such case the overplus shall be returned, on demand, to the said Company or their directors, or their treasurer for the time being, as the case may be: Provided always, that it shall be lawful for such treasurer to retain, out of any monies which he may have received or shall receive in pursuance of this Act, all such damages, costs, charges, and expences as he shall have sustained or been put unto by virtue of any warrant as aforesaid.

78. [*Justices may issue summons without any information in writing. Superseded by the Summary Jurisdiction Act 1848.*]

Damages in case of a dispute to be settled by a Justice.

79. . . . Where any damages or charges are directed or authorized to be paid or recovered, in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges, in case of dispute, shall be settled and determined by the Justice of the Peace by or before whom any offender shall be convicted of any such offence, who is hereby authorized and required, on nonpayment thereof, to levy such damages by distress and sale of the offender's goods and chattels, in manner by this Act directed for the levying of any penalties or forfeitures.

For recovery of penalties.

80. . . . All complaints and informations of and for offences against this Act, or any rule, order, or byelaw to be made in pursuance thereof, (except in cases where the manner of hearing and determining the same is herein otherwise directed,) shall and may

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40.

be made before any Justice of the Peace for the county, liberty, or place wherein the offence shall be committed . . . ; and upon conviction of any person such Justice shall and may issue a warrant under his hand and seal for levying the penalty or forfeiture by virtue of this Act, or of any byelaw made in pursuance thereof imposed for any such offence, together with the costs of conviction, to be ascertained by such Justice, by distress and sale of the goods and chattels of the person so convicted; . . . but if upon the return of such warrant it shall appear that no sufficient distress can be had whereupon to levy the penalty or forfeiture and costs as aforesaid, and such penalty, forfeiture, and costs shall not be forthwith paid, . . . it shall be lawful for such Justice, and he is hereby authorized and required, by warrant under his hand and seal to commit such offender to the common gaol or house of correction within the said county, there to remain for any term not exceeding three calendar months, unless such penalty or forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied; and all such fines, penalties, and forfeitures, when recovered, shall, where the application is not otherwise directed by this Act, be paid into the hands of the treasurer of the said Company, and shall be applied and disposed of towards defraying the expences of the said undertaking, unless such fines, penalties, and forfeitures shall be incurred by the said Company, in which case the same shall be paid to the overseers of the poor of the parish or place wherein the offence shall be committed, to be applied by such overseers for the benefit of the poor of such parish or place. . . . [*Parts omitted (as to procedure) superseded by the Summary Jurisdiction Acts.*]

81. . . . It shall be lawful for any person who shall see any offence committed against the provisions of this Act, by any person destroying or doing any wilful damage to any of the works by this Act authorized to be made, or otherwise, contrary to any of the provisions hereinbefore contained, to apprehend and detain any such offender without any warrant or other authority than this Act, and to convey such offender, or cause him to be conveyed, by some constable or other peace officer, before any Justice of the Peace for the county or place in which the offence shall be committed, who shall forthwith proceed against such offender according to law, and according to the provisions in this Act contained.

For apprehension and commitment of offenders in certain cases.

82. Provided always, . . . that it shall be lawful for the said directors from time to time, if they think fit, to pay and apply any part of the penalties, forfeitures, and fines to or for the use of the informer or other person aiding or assisting in the apprehension of any offender therein.

Power for directors to allow informer part of penalty.

83. [*Form of Conviction. Superseded by the Summary Jurisdiction Acts.*]

84. [*Persons making distress irregularly not to be deemed trespassers. Superseded by the Summary Jurisdiction Act 1879, s. 39 (4).*]

85. . . . No proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of form, or be moved by certiorari, or any other writ or process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere.

Proceedings not to be quashed or vacated for want of form.

86. [*Summoning witnesses. Superseded by the Summary Jurisdiction Acts.*]

87—88. [*Evidence of Company's officers—Directors may release witnesses.* See 4 Edw. 7, c. ccciii. s. 6.]

Appeal to
Quarter
Sessions.

89. . . . Any body politic, corporate, or collegiate, or any other person whomsoever, thinking himself or themselves aggrieved by any rule, byelaw, or order of the said Company or their directors, or by any order or judgment made or given in pursuance thereof, or by the order and determination of any Justice of the Peace in pursuance of this Act, may, within two calendar months after such order shall be made or given, appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be held for the county or place in which the cause of appeal shall arise. . . . [*Part omitted (procedure on appeal) superseded by the Summary Jurisdiction Acts. See Summary Jurisdiction Act 1884, s. 6, and the Quarter Sessions Act 1849.*]

90. [*Tender of amends. Superseded by the Public Authorities Protection Act 1893.**]

91. [*Service of notices on Company.* See 4 Edw. 7, c. ccciii. s. 6.]

Powers of Act
to be exer-
cised by Com-
pany while in
possession of
the pier, and
afterwards by
the Com-
missioners of
Greenwich
Hospital.

92. . . . All and singular the powers and authorities given by this Act shall and may be exercised by the said Company during all such time as they shall continue the lessees, owners, and proprietors, and in actual possession of the pier wharf or jetty to be erected or constructed in pursuance thereof: and if and when the said Company shall cease to be such lessees, owners, or proprietors, and in actual possession as aforesaid, then all and singular the powers and authorities given by this Act shall belong and be continued to and exercised by the Commissioners of Greenwich Hospital, and their successors, as fully and amply in all respects, and to all intents and purposes, as the same are by this Act given to the said Company. [*See also 4 Edw. 7, c. ccciii. s. 41.*]

93. [*Limitation of actions. Rep. by the Limitations of Actions and Costs Act 1842.*]

Persons
making false
declarations
to be guilty
of a mis-
demeanour.

5 & 6 W. 4.
c. 62.

94. . . . Where in this Act a declaration is directed to be used for the purpose of confirmation of written instruments or allegations, or of the execution of deeds or other matters, the same shall be made in the form prescribed in the schedule to [*the Statutory Declarations Act 1835*], or as near thereto as the circumstances of the case will admit, and shall be of the like force and effect as if an affidavit or affirmation in writing had been made: and if any declaration so made shall be false or untrue in any material particular the person wilfully making such false declaration shall be deemed guilty of a misdemeanour.

95. [*Admiralty to consent to the erection of the pier before its construction. Spent.*]

96. [*Saving rights of Trinity House.*]

97. [*Saving rights of the City Corporation † as Conservators of Thames.*]

98. [*Saving rights of the Watermen's Company.*]

99. [*Saving rights of certain commissioners of sewers. Superseded (as to county of London) 11 & 12 Vict. c. 112.† See now 18 & 19 Vict. c. 120, s. 135.*]

* See Appendix.

† Now the Thames Conservators. See 20 & 21 Vict. c. cxlvii., since rep. by 57 & 58 Vict. c. clxxvii. (See Appendix.)

‡ Rep. 38 & 39 Vict. c. 66 (S.L.R.).

100. [*Saving rights of the churchwardens, overseers, etc., of Greenwich under 9 Geo. 4, c. xliii.* and 4 Geo. 4, c. lxx.**]

101. . . . Where in this Act any word shall be used importing the singular number or the masculine gender only, such word shall be construed to include several matters as well as one matter, several persons as well as one person, and females as well as males, and a body or bodies politic, corporate, or collegiate, corporation or corporations aggregate or sole, as well as individuals, unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

102. [*Act to be judicially noticed.*]

The SCHEDULE referred to by the foregoing Act.

£ s. d.

For every passenger or other person who shall land from any vessel, boat, wherry, or other machine plying between New Windsor in the county of Berks and Yantlet Creek in the county of Kent, on the pier, landing places, wharf, or other works, or embark or go on board of any such vessel, boat, wherry, or other machine so plying as aforesaid, from the said pier or landing place, quays, wharfs, or works, or any part thereof, for each and every time, not exceeding	0	0	2
For every passenger or other person who shall land from any vessel, boat, wherry, or other machine plying from or to any place without the boundaries aforesaid on the pier, landing places, wharf, or other works, or embark or go on board of any such vessel, boat, wherry, or other machine so plying without the said boundaries as aforesaid, from the said pier or landing place, quays, wharfs, or works, or any part thereof, for each and every time, not exceeding	0	0	6
For every person who shall use the said pier or wharf for the purpose of walking for exercise, pleasure, or otherwise, per day, not exceeding	0	0	1
For every four-wheeled carriage, being landed or embarked from the said pier, landing place, wharf, or works, not exceeding	0	2	0
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Greenwich, and residing there only, and using the said pier and other works for the purpose only of going to or returning from his own vessel, boat, or wherry, such annual sum as the directors shall appoint, not exceeding, per annum	0	10	0
For every quarter of wheat, oats, rye, barley, malt, beans, peas, tares, mustard seed, canary, and seeds of every denomination, if landed or loaded from the pier, not exceeding	0	0	4
Anchor, per hundred weight	0	0	6
Ashes, per barrel	0	0	1
Alum, per hundred weight	0	0	1
Anchovies, per barrel	0	0	1
Ale, porter, cyder, or perry, per gallon	0	0	0 ¹ / ₂
Ditto, in bottles, per dozen	0	0	1
Anchor stock, per foot run	0	0	1
Apples and pears, per sack of three bushels	0	0	3
Asparagus, per basket	0	0	4
Ditto, smaller ditto	0	0	3
Beer, per butt	0	0	6
per hogshead	0	0	3
per half hogshead	0	0	2

* Rep. by the Greenwich Order in Council 1901, made under 62 & 63 Vict. c. 14.

	£	s.	d.
Bran or pollard, per eight bushels	0	0	2
Beer, table, per nine gallons	0	0	1
Beef or pork, contained in any cask, per hundred weight	0	0	1
Barrel boards or staves, per thousand	0	1	0
Butt staves, per hundred, and all other staves in proportion	0	1	6
Battens, Petersburg, per hundred	0	1	6
Boards or battens, close, per hundred	0	0	9
Billiard table	0	4	6
Bedstead, mahogany, each	0	0	3
every other	0	0	2
Bricks, per thousand	0	0	10
Barilla, per ton	0	1	6
per sewn	0	0	2
Bolt of canvas, No. 1, 2, 3	0	0	2
every other	0	0	1 $\frac{1}{2}$
Butt, pipe, or puncheon, entire or in staves, each	0	0	1 $\frac{1}{2}$
Bottles, empty, per dozen	0	0	1
Bale, every box, truss, trunk, case, chest, bundle, or parcel, containing goods not enumerated in schedule, per cubic foot	0	0	1
Ditto, per hundred weight	0	0	2
Basket or maund containing goods not enumerated in schedule	0	0	6
Ditto, smaller, each	0	0	3
Ditto, empty, per dozen	0	0	1
Beef or pork, per tierce	0	0	3
per barrel	0	0	3
Butter, per barrel	0	0	1 $\frac{1}{2}$
Butter or cheese, per hundred weight	0	0	1 $\frac{1}{2}$
Biscuit, per bag	0	0	1
Beans and peas, per sack	0	0	1 $\frac{1}{2}$
Bottles, full, in hampers, per dozen	0	0	2
Brooms, hair, and mops, per dozen	0	0	0 $\frac{1}{2}$
Beast or calf, each	0	1	6
Bacon, per side	0	0	1
Beef, per hundred weight	0	0	1
Bedding, seaman's	0	0	1
Currants or raisins, per hundred weight	0	0	1 $\frac{1}{2}$
Coffee, per hundred weight	0	0	1 $\frac{1}{2}$
Copper or brass, wrought or unwrought, per hundred weight	0	0	1 $\frac{1}{2}$
Chalk stones, rough or hewn, per ton	0	0	6
Corpses, each	0	2	0
Cordage, per hundred	0	0	1 $\frac{1}{2}$
Cod fish, per hundred weight	0	0	1 $\frac{1}{2}$
Canary, or other live fancy bird	0	0	1
Clover seed, per sack	0	0	2
Calves skins, per dozen	0	0	9
Colours, per firkin	0	0	1 $\frac{1}{2}$
Carboys, each	0	0	2
Coals, culm, splint, coke, or cinder, per ton	0	1	0
Chest of drawers, double	0	1	6
Ditto single	0	1	0
Chairs, per dozen	0	0	6
Chairs, mahogany, each	0	0	1
not mahogany, each	0	0	0 $\frac{1}{2}$
Chimney pots, each	0	0	2
Cabbages, per dozen	0	0	0 $\frac{1}{2}$
Carrots, per hundred	0	0	1
Deals, per load, containing fifty cubic feet	0	2	6
Dogs, each	0	0	2
Drugs, not otherwise mentioned, per hundred weight	0	0	3

	£	s.	d.
Earthenware, per large crate	0	0	6
per small crate	0	0	4
Fish, per prickle or pad	0	0	1
per trunk	0	0	2
per bushel or sieve	0	0	1
Fruit, per bushel or sieve	0	0	1
Flour, per sack of five bushels	0	0	2
Faggot, per hundred	0	0	9
Fire wood, per chord	0	0	9
Feathers, per hundred weight	0	0	3
Foxes, each	0	2	6
Fowls, and every other sort of poultry, per head	0	0	0 $\frac{1}{2}$
Flint stones, per ton	0	0	3
Glass ware, per large crate	0	0	6
per small crate	0	0	4
window, per crate	0	0	9
Grindstones, each	0	0	2
Grate or range, large	0	1	0
small	0	0	6
Gunpowder, per barrel	0	0	6
Gardenstuff, per bushel or sieve	0	0	1
Hay, per load of thirty-six trusses	0	1	0
Hops, per bag	0	0	6
per pocket	0	0	4
Hams, bacon, or tongues, per hundred weight	0	0	1 $\frac{1}{2}$
Herrings, red, per barrel	0	0	4
Hogsheads, packed with goods not enumerated in schedule	0	0	6
Hoops, per bundle	0	0	2
Hurdles, per hundred	0	2	6
Harpsichord	0	1	0
Harps, each	0	0	9
Hemp, per hundred weight	0	0	1 $\frac{1}{2}$
Horses, each	0	3	0
Hares, pheasants, and all other game, per head	0	0	2
Hides, raw or tanned, each	0	0	2
Hogs, each	0	0	3
Iron, per hundred weight	0	0	2
per ton	0	3	0
pots, each	0	0	1
Kelp, per ton	0	0	6
Laths, per twenty bundles	0	0	10
Lathwood, six feet per fathom	0	1	0
five feet ditto.	0	0	9
Lead, per hundred weight	0	0	2
per ton	0	3	0
Lime, per load of twenty-eight bushels	0	0	3
Leather, per hide	0	0	4
Leeks, per dozen bundles	0	0	3
Lumber, and every other article not specified before in this table, per foot cube	0	0	0 $\frac{1}{2}$
Dosser, hundred weight	0	0	2
Meal or Middlings, per eight bushels	0	0	2
Mahogany, in logs or plank, per foot cube	0	0	1
Masts, ten inches in diameter or upwards, each	0	3	0
under ten inches, each	0	2	0
Millstones, large, each	0	1	6
small, each	0	1	0
Molasses, per puncheon	0	0	6
Mustard, per thirty pound barrel	0	0	1
Marble, per ton	0	2	0

	£	s.	d.
Nuts, per bag	0	1	0
Nails, per bag.	0	0	2
Oil cakes, per thousand	0	2	0
Oranges and lemons, per chest	0	0	3
per half chest.	0	0	2
Oil, train or fish, per barrel, and so in proportion for any greater or smaller quantity	0	2	0
Oak or elm planks, per load containing fifty cube feet	0	2	6
Oysters, per bushel	0	0	1½
per firkin or smaller barrel	0	0	0½
Ovens, each	0	1	0
Ordinance, pieces of, brass or iron, per hundred weight	0	0	6
Onions, per bushel	0	0	1
Oatmeal, per sack	0	0	2
Oil, per pipe	0	1	0
per hogshead	0	0	6
per half hogs-head	0	0	4
per jar	0	0	1
per chest	0	0	3
per half chest	0	0	2
Poultry, per basket.	0	0	1½
Potatoes, per barrel	0	0	2
per ton	0	1	0
Plums, per box	0	0	1
Potatoes, per sack of three bushels	0	0	1½
Pales, cleft, per thousand	0	2	0
Posts and rails, per load of fifty cube feet	0	0	2
Pewter, wrought, per hundred weight	0	0	2
old	0	0	2
Pianofortes, each	0	2	0
Pitch and tar, per barrel	0	0	4
Parcels, none to be charged less than	0	0	1
Straw, per load	0	1	0
Sugar, loaf, per hundred weight	0	0	1½
raw, per hundred weight	0	0	2
Salt, per hundred weight	0	0	1½
Spars, per score	0	0	10
Solder, per hundred weight	0	0	2
Sofas, each	0	1	0
Stone, per ton	0	0	6
Ditto, paving, per ton	0	0	6
Slate, per ton, containing twenty-four feet cube	0	0	6
Stove, register, each	0	1	0
other	0	0	6
Sedan chairs, each	0	1	0
Salmon, per kit	0	0	2
Skins, goat, dog, calf, sheep, or lamb, per dozen	0	1	0
Soap, per hundred weight	0	0	1½
Starch, per hundred weight	0	0	1½
Shot, per bag	0	0	2
Salt fish, per hundred weight	0	0	1½
Sheep, lambs, pigs, or hogs, per score	0	3	0
Shrimp baskets, each	0	0	1
Tallow or candles, per hundred weight	0	0	2
Tea, per quarter or chest	0	0	6
And so on in proportion for any greater or less quantity than a half chest.			
Treacle, per hundred weight	0	0	1
Timber, per load, containing fifty cubic feet	0	2	0
Tables, dining, per set	0	3	0

	£	s.	d.
Tables, other dining tables, each	0	1	0
card or Pembroke, each	0	0	3
every other, each	0	0	4
Tombstones, each, per foot superficial	0	0	3
marble, per ditto	0	0	3
Tiles, plain, per thousand	0	0	9
Hip or gutter, per thousand	0	1	0
Ridge or pantiles, per thousand	0	1	6
Mathematical, per thousand	0	2	0
Paving, per thousand	0	2	6
Turtle, each	0	3	0
Tobacco and snuff, per hundred weight	0	0	1½
Turbot, per score	0	0	4
Trunk, portmanteau, or bundle, each	0	0	2
Vats, packed with goods not enumerated in schedule, each, per foot cube	0	0	0½
Ditto, per hundred weight	0	0	2
Violins or bass viols, each	0	0	4
Vinegar, per hogshead	0	0	6
Wool, yarn, or cotton, per hundred weight	0	0	6
Wine (not British) sweet oil, or spirits, for every gallon contained in any butt, pipe, puncheon, or piece, or any cask whatsoever	0	0	0½
Wine or vinegar (British), per gallon	0	0	0½
Oil or spirits in bottles, per dozen	0	0	3
per pipe	0	1	0
per hogshead	0	0	6
per half hogshead	0	0	4
All goods not enumerated in this table to pay at the rate of ½d. per cubic foot, or 3d. per hundred weight.			

7 WILLIAM IV. A.D. 1837.

CHAPTER LVI.

AN ACT TO ALTER AND AMEND AN ACT OF THE LAST SESSION OF PARLIAMENT, INTITULED AN ACT FOR MAKING AND MAINTAINING A PIER WHARF AND OTHER WORKS AT GREENWICH IN THE COUNTY OF KENT; AND TO EXTEND THE POWERS OF THE SAID ACT. [8th June 1837.]

[*Preamble recites 6 & 7 Will. 4, c. cxxviii., and that it would be of great public utility if the pier wharf and other works by the said recited Act authorized to be made and maintained were enlarged and extended; and that the Greenwich Pier Company are willing and desirous to effect the proposed enlargement and extension.*]

1. . . . All and every the powers, provisions, restrictions, limitations, penalties, forfeitures, rates, duties, payments, exemptions, remedies, matters, and things in the said recited Act contained shall (so far as the same respectively are applicable to this Act, and not hereby repealed, varied, altered, or otherwise provided for,) be as good, valid, and effectual for carrying this Act into execution as it the same had been repeated or re-enacted in this Act. Powers of recited Act extended this Act.

2. . . . It shall be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Power to make the pier

and other
works.

Act, (subject to the terms, conditions, and stipulations of a certain agreement bearing date the twenty-ninth day of December one thousand eight hundred and thirty-six, and made between the Commissioners of Greenwich Hospital of the one part, and the said Company of the other part, and to the lease to be granted in pursuance of such agreement,) to erect and make, and thenceforward to maintain, at Greenwich aforesaid, a pier wharf on the south side of the River Thames in the parish of Saint Alphage, Greenwich, in the county of Kent, from that part of the bank of the said river which is situate between certain public stairs or landing places in the said parish called or known by the name of Garden Stairs, and certain other stairs called or known by the name of Ship Stairs, extending one hundred and seventy-five feet in length in front of the bank of the said river to the same extent as the wharf authorized by the said recited Act on the west side thereof, and at the eastern end one hundred and thirteen feet from the said bank, according to the plan deposited with the town clerk of the city of London, for the embarking and disembarking, landing and shipping of passengers, and of horses, carriages, cattle, and other live stock, and lading and unlading ships and vessels, in such manner and subject to such orders and directions as the directors of the said Company, to be appointed in the manner mentioned in the said recited Act, or the major part of them present at any of their meetings, shall deem necessary or expedient, and also to erect and make such works as the said directors shall think necessary and proper for rendering the said pier wharf useful and convenient for the landing and embarking of passengers and goods, and also to make avenues and approaches to the said pier wharf and other works, as the said directors shall in manner aforesaid deem necessary and proper, and also to erect and make proper and convenient toll gates and houses for the collectors of the tolls to be taken under the authority of the said recited Act upon or near to the same pier wharf, avenues, or approaches ; provided that such toll gates and houses shall not be erected in front of the house called the Ship Tavern there, or to the annoyance, interruption, or obstruction of the said house and premises : and for the purposes and subject as aforesaid it shall be lawful for the said Company, their servants, agents, and workmen, to dig and make proper foundations in the said river and on the land adjoining, and to deepen the bed of the said river in front of the said pier wharf, and also to excavate the said stairs or landing place respectively called Garden Stairs and Ship Stairs, or either of them, and the causeways thereof respectively, and from time to time to repair, rebuild, pull down, vary, or alter the said works or any of them ; the works in the said river and connected therewith to be done and performed to the satisfaction of the clerk of the works for the time being employed in the Thames navigation : Provided that nothing in this Act contained shall alter, take away, or affect any existing right or interest of the said hospital or the Commissioners thereof in, to, or over the road or way leading from Romney Road to the Ship Tavern, upon a part of which said road a bar has been put up and kept and maintained by the said Commissioners, nor shall give any right or authority to the said Company to interfere with the dock called Ship Dock near Ship Stairs aforesaid.

Present
plying places

3. . . . The said pier wharf and works shall be so constructed, and so kept and used, as not to injure the stairs or steps and

causeways, when altered, called Garden Stairs and Ship Stairs respectively, now used by the watermen as plying places : and the same stairs or steps and causeways respectively, when altered, shall remain and may be used and enjoyed as heretofore for the accommodation of the public.

called Garden Stairs and Ship Stairs not to be injured.

4. . . . In case at any time or times there shall be any accumulation of mud, sand, dirt, or other matter adjoining to the said pier or in the neighbourhood thereof, occasioned thereby, which shall appear to the * Mayor, Aldermen, and Commons of the city of London in Common Council assembled, or to the Lord Mayor of the said city for the time being, as Conservator of the River Thames, to be injurious to the navigation of the said river, then and in every such case the said Company shall within thirty days after notice in writing for that purpose by the town clerk of the said city of London shall have been left at the office of the clerk of the said Company, cause the said mud, sand, dirt, or other matter to be taken away and effectually removed : and in case the said Company shall neglect or refuse to cause the said mud, sand, dirt, or other matter to be removed effectually, it shall be lawful for the said * Mayor, Aldermen, and Commons, in Common Council assembled, or the said Lord Mayor for the time being, to employ persons to take away and remove the same ; and the said Company shall, on demand, pay to the * Mayor and Commonalty and citizens of the said city of London all costs and charges occasioned by the removal thereof, and the same may be recovered from the said Company by an action of debt in any of His Majesty's Courts of Law at Westminster.

An accumulation of mud, etc., to be removed.

5. . . . From and after the passing of this Act the powers and provisions herein contained may be put in execution.

Commencement of Act.

6. . . . The said Company and their successors shall, when and as soon as the said wharf or embankment shall have been completed, appropriate and fence off with iron railing, between the said wharf and the present northern boundary of the Ship Tavern, for the whole extent thereof, a space of twenty feet : which said space of twenty feet shall exclusively belong to and form an open space in front of the said estate called the Ship Tavern, being the property of the said Commissioners of Greenwich Hospital ; and that the said Company shall not affect, take away, or diminish the free access by water to the said tavern called the Ship Tavern by means of the said stairs called Ship Stairs.

Twenty feet of the wharf to be railed off in front of the Ship Tavern.

7—10. [*Financial provisions and provisions as to purchase of lands. Spent.*]

11. And whereas a map or plan, describing the situation of the said enlarged pier or jetty and other works, and the line of the avenues and approaches thereto, with a book of reference thereto containing the names of the owners or reputed owners and occupiers of the houses, lands, and grounds upon or through which the same are intended to be made, or which may be affected thereby, will be deposited in the office of the clerk of the Parliament and with the town clerk of the city of London : . . . the said map or plan and book of reference so to be deposited shall remain with and be kept by the said town clerk, and all persons interested therein shall have liberty to inspect, peruse, and make extract therefrom and copies thereof at reasonable times, on payment to the said town clerk of

Plan and book of reference deposited with clerk of the Parliament to be open to inspection.

* Now the Thames Conservators. See 20 & 21 Vict. c. cxlviii., since rep. by 57 & 58 Vict. c. clxxxvii. (See Appendix.)

one shilling for each time of inspection, and one shilling more for every hour during which such inspection shall continue after the first hour, and paying for every copy of one hundred words the sum of sixpence, and so on in proportion for any greater number of words; and the said map or plan and book of reference, or true copies thereof, or of so much thereof as shall relate to any matter which may be in question, shall be and are hereby declared to be good evidence in all courts of law and elsewhere.

12—15. [*Deviation—Time for taking lands limited to two and for completion of works to five years. Spent.*]

16—43. [*Errors in plans—As to acquisition of lands—Assessment of compensation—Application of purchase moneys—Lands not wanted to be sold within seven years. Spent.*]

44. [*Company's accounts and audit thereof. See 4 Edw. 7, c. cciii. s. 6.*]

Reversion of that part of pier erected on land held of Greenwich Hospital.

45. . . . At the expiration of the said term of eighty years mentioned in the said recited Act such part of the said pier wharf and other works as shall be erected on the piece of land in such Act mentioned to have been agreed to be taken on lease from the said Commissioners of Greenwich Hospital shall revert to the said Commissioners, their successors and assigns, unless the said Company shall have previously purchased the fee simple of such land from the said Commissioners, their successors or assigns: and the other or remaining part of the said pier wharf and other works shall continue the property of the said Company, their successors and assigns.

Reversion of the portion of the pier wharf in front of the Ship Tavern.

46. . . . At the expiration of the said term of eighty years so much of the said pier wharf as lies in front of the said tavern now called the Ship Tavern, and between the said tavern and the river, shall become and continue to be the property of the said Commissioners of Greenwich Hospital, in lieu of any compensation being paid by the said Company to the said Commissioners as the freeholders and lessors of the said tavern, for the interest of the said Commissioners in the present river frontage to the said tavern, which under the provisions of this Act will be taken and used in making the said pier wharf.

The Hospital and the Company may exercise the powers of the Acts as to the parts of the pier belonging to them respectively.

47. . . . If such part of the said pier wharf and other works as shall be erected on the said piece of land so agreed to be taken on lease from the said Commissioners of Greenwich Hospital as aforesaid shall revert to such Commissioners, their successors or assigns, as provided by the immediately preceding clause, then all and singular the powers and authorities given by the said recited Act and this Act shall in respect and to the extent of that part of the said pier wharf and other works which shall so revert to the said Commissioners, their successors and assigns, but no further or otherwise, belong and be continued to and exercised by the said Commissioners and their successors, as fully and amply, in all respects and to all intents and purposes, as the same are by the said recited Act and this Act given to the said Company; but nevertheless all and singular the powers and authorities given by the said recited Act and this Act shall, in respect and to the extent of the other or remaining part of the said pier wharf and other works, continue to belong to and be exercised by the said Company, their successors and assigns, as fully and amply, in all respects and to all intents and purposes, as if no such reverter to the said Commissioners, their successors or assigns, had taken place.

48. [*Deficiencies in rates during works. Spent.*]

49. . . . Where in this Act any word shall be used importing the singular number or the masculine gender only, such word shall be construed to include several matters as well as one matter, several persons as well as one person, and females as well as males, and body or bodies politic, corporate, or collegiate, corporation or corporations aggregate or sole, as well as individuals, unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Rules for the interpretation of the Act.

50. . . . So much and such part of the said recited Act as enacts that after the pier wharf or jetty therein mentioned shall have ceased to be the property of the said Company, their successors or assigns, then the Commissioners of Greenwich Hospital and their successors shall pay to the Mayor and Commonalty and citizens of the city of London, their successors, collectors, or assigns, for ever, an annual rent or sum of five pounds and five shillings, shall be and the same is hereby repealed.

Certain part of Act of last session repealed.

51. [*Saving rights of His Majesty.*]

52. [*Saving rights of the City Corporation* as Conservators of Thames.*]

53. [*Saving rights of the Trinity House.*]

54. [*Act to be judicially noticed.*]

SCHEDULE. [*Lands to be taken. Spent.*]

1 VICTORIA. A.D. 1837.

CHAPTER 36.

AN ACT FOR CONSOLIDATING THE LAWS RELATIVE TO OFFENCES AGAINST THE POST OFFICE OF THE UNITED KINGDOM, AND FOR REGULATING THE JUDICIAL ADMINISTRATION OF THE POST OFFICE LAWS, AND FOR EXPLAINING CERTAIN TERMS AND EXPRESSIONS EMPLOYED IN THOSE LAWS. [12th July 1837.]

8. And to prevent obstructions opposite the General Post Office in London, . . . no hackney carriage shall stand or ply for hire opposite the General Post Office in Saint Martin's-le-Grand, London, . . . or any part thereof . . . , and . . . every driver, or any person having the management of any hackney carriage, who shall permit the same to stand or ply for hire opposite . . . the said Post Office shall forfeit for every such offence five pounds: and for the purposes of this provision every carriage with two or more wheels, whatever may be the form or construction of such carriage, or the number of persons which the same shall be calculated to convey, or the number of horses by which the same shall be drawn, shall be a hackney carriage within the meaning of this Act, and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe it by the term hackney carriage; and every hawker, newsvender, or idle or disorderly person, who shall stop or loiter on the flagway or pavement opposite the General Post Office in Saint Martin's-le-Grand, London, . . . or any part thereof . . . , shall forfeit for every such offence five pounds.

No hackney carriage to ply for hire opposite the General Post Office in London or Dublin.

Definition of hackney carriage within the meaning of this Act.

No hawker, newsvender, etc. to stop or loiter on pavement, on penalty of 5*l*.

[*The other parts of the Act do not relate specially to London.*]

* Now the Thames Conservators. See 20 & 21 Vict. c. cxlviii. since rep. by 57 & 58 Vict. c. clxxxvii. (See Appendix.)

CHAPTER CXX.

AN ACT TO ENABLE THE LONDON AND GREENWICH RAILWAY COMPANY TO TAKE CERTAIN TOLLS FOR PASSENGERS, CATTLE, AND CARRIAGES CROSSING THE RIVER RAVENSBORNE. IN PURSUANCE OF AN AGREEMENT ENTERED INTO WITH "THE DEPTFORD CREEK BRIDGE COMPANY." [15th July 1837.]

[*Preamble recites 3 Will. 4, c. xlvi.* and 43 Geo. 3, c. cxxxi.*]

1—5. [*As to tolls, etc. Superseded 40 & 41 Vict. c. xcix. ss. 16, 23.*]

6. [*Weights of waggons on bridge. Superseded 55 & 56 Vict. c. cccxxxviii. s. 40.*]

7. [*As to tolls. Note on ss. 1—5 applies.*]

8. [*Repeal of so much of 3 Will. 4, c. xlvi. as provides for compensation to the Deptford Creek Bridge Company.*]

Railway
Company to
give com-
pensation
to Deptford
Creek Bridge
Company for
loss of tolls.

9. . . . The said Railway Company shall from henceforth and for ever hereafter yearly and every year pay to the said Deptford Creek Bridge Company so much money as shall be the difference between the sum at which the Deptford Creek Bridge Company shall annually let the tolls taken by them under and by virtue of the said Act of the forty-third year of the reign of His said Majesty King George the Third and the sum of two thousand three hundred and twenty-five pounds, such difference to be paid by four equal quarterly payments on the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September, and the twenty-fifth day of December in every year, the first payment thereof to be made on such of the said days as shall first and next happen after the passing of this Act. [*See also 40 & 41 Vict. c. xcix. s. 23.*]

Recovery
of compen-
sation from
Railway
Company.

10. . . . The said compensation, recompence, or allowance to be made and paid to the said Deptford Creek Bridge Company as hereinbefore mentioned shall be a charge upon the said portion of the said bridge, and upon all and singular the rates, tolls, and other sums arising by virtue of this Act, and shall be paid by the treasurer of the said Railway Company; and in case the same or any quarterly payment thereof or any part thereof shall be behind or unpaid by the space of thirty days next after demand thereof in writing shall have been made or given to the said Railway Company or to the treasurer of the said Railway Company, or left at the office of the said Railway Company by the clerk to the Deptford Creek Bridge Company, or by any person on his behalf or on behalf of the said Company, then and in such case, and from time to time as often as the same shall happen, it shall be lawful for any two or more Justices of the Peace acting within their respective jurisdictions, and not being interested in the matter in question, and they are hereby required (on request to them made by or on behalf of the Deptford Creek Bridge Company), by an order under the hands of such Justices, to appoint some person to receive the whole of the said rates, tolls, or sums arising under or by virtue of this Act, and the money so to be received by such person is hereby declared to be

* The Act 3 Will. 4, c. xlvi. authorised the construction of a railway from London to Greenwich, and (*inter alia*) provided for the payment by the Railway Company to the Deptford Creek Bridge Company of the difference between the amount at which the Bridge Company should annually let the tolls derived from the bridge and the sum of £2,000, as compensation for loss of tolls caused by the railway.

so much money received by or to the use of the Deptford Creek Bridge Company until such compensation, recompence, or allowance, or so much thereof as shall be then due, together with the costs and charges of recovering and receiving the rates, tolls, or sums, shall be fully satisfied and paid; and after such compensation, recompence, or allowance, costs and charges, shall have been fully paid and satisfied, the power and authority of such receiver shall cease and determine, or otherwise the said Deptford Creek Bridge Company shall or may bring or cause to be brought any action of debt or special action on the case, or other action, in any of Her Majesty's Courts of Record at Westminster against the said Railway Company for the recovery of such compensation, recompence, or allowance so in arrear, and shall recover the same, together with full costs of suit: Provided always, that nothing herein contained shall prejudice the right vested in the said Railway Company by the said recited Act of requiring that the tolls payable to the Deptford Creek Bridge Company should be let by public tender or bidding.

11. [*Bridge not to be built contrary to provisions of 3 Will. 4, c. xlv. Spent.*]

12. [*Expenses of Act. Spent.*]

13. [*Act to be judicially noticed.*]

2 & 3 VICTORIA. A.D. 1839.

CHAPTER 47.

AN ACT FOR FURTHER IMPROVING THE POLICE IN AND NEAR THE METROPOLIS. [17th August 1839.]

[*Preamble (which recites 10 Geo. 4, c. 44) and s. 1 (as to appointing constables to courts leet) rep. 53 & 54 Vict. c. 51 (S.L.R.).*]

2. [*Recital of 10 Geo. 4, c. 44.*] It shall be lawful for Her Majesty, by the advice of Her Privy Council, to order that any place which is part of the Central Criminal Court district,* except the city of London and liberties thereof, and such places as are or may be included in any Act already passed or to be passed in this Session of Parliament, intituled "An Act for regulating the Police in the City of London," and also that any part of any parish, township, precinct, or place which is not more than fifteen miles distant from Charing Cross in a straight line may be added to and form part of the metropolitan police district, although the whole of such parish, township, place, or precinct may not be added thereunto: and all the provisions of this Act, and of the said Act as amended by this Act, shall extend and apply to the parishes, townships, precincts, or places, or the parts thereof, so respectively added: and in case no separate rate shall be levied for the relief of the poor in any place or part so added, the police rate shall be assessed and levied therein in like manner as in extra-parochial places within the metropolitan police district in which no rate is levied for the relief of the poor. [*Part omitted (recital of 10 Geo. 4, c. 44) rep. 53 & 54 Vict. c. 51 (S.L.R.).*]

3. [*Parishes so added to be within 3 & 4 Wm. 4, c. 89,† Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

* See the Central Criminal Court Act 1834.

† Rep. 31 & 32 Vict. c. 67, s. 4.

Parts of Parishes may be added to the police district.

Repeal of
6 & 7 W. 4.
c. 50. with
a certain
limitation.

4. . . . It shall be lawful for Her Majesty to appoint the Justices appointed and to be appointed under the said Act of the tenth year of the reign of King George the Fourth to be Justices of the Peace for the counties of Berkshire and Buckinghamshire, although they may not be qualified by estate; and the said Justices shall be empowered to act as Justices in the last-mentioned counties as fully as in any other part of the metropolitan police district, and not further or otherwise, and shall be styled "The Commissioners of Police of the Metropolis." [*Part omitted (recital of 6 & 7 Will. 4, c. 50) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Metropo-
litan police
constables
to act on
the River
Thames, etc.

5. The constables belonging to the Metropolitan Police Force shall have all the powers and privileges of a constable in the counties of Berkshire and Buckinghamshire, and upon the River Thames within or adjoining to the several counties of Middlesex, Surrey, Berkshire, Essex, and Kent, and within or adjoining to the city of London and the liberties thereof, and in and on the several creeks, inlets, and waters, docks, wharfs, quays, and landing places, thereto adjacent, and shall act therein and thereupon, as fully as in any part of the metropolitan police district.

Sum re-
quired to de-
fray charges
of Thames
police,
horse
patrol, etc.

6. It shall be lawful for the . . . Treasury, by warrant . . . , to direct the issue out of the Consolidated Fund of Great Britain and Ireland to the receiver of the metropolitan police district of a yearly sum, not greater than twenty thousand pounds, free of all rates, taxes, and impositions, for defraying the increased charge of the establishment of the Metropolitan Police Force by reason of that force being required to perform the duties heretofore performed by the horse patrol and by the surveyors and constables of the Thames police. . . . [*Amended by the Consolidated Fund Charges Act 1854, s. 1. Parts omitted (as to Lord High Treasurer and superannuation allowances) rep. 37 & 38 Vict. c. 96 (S.L.R.) and 53 & 54 Vict. c. 51 (S.L.R.).*]

Constables
may be
sworn to act
for the
palaces.

7. It shall be lawful for the said Commissioners to administer to any constable belonging to the Metropolitan Police Force an oath to execute the office of constable within the royal palaces of Her Majesty and ten miles thereof; and every constable who shall be so sworn shall have the powers and privileges of a constable within the said royal palaces and ten miles thereof.

Additional
constables
may be ap-
pointed at
the cost of
individuals.

8. It shall be lawful for the said Commissioners of Police, if they shall think fit, on the application of any person or persons showing the necessity thereof, to appoint and swear any additional number of constables to keep the peace at any place within the metropolitan police district, at the charge of the person or persons by whom the application shall be made, but subject to the orders of the said Commissioners, and for such time as they shall think fit; and every such constable shall have all the powers, privileges, and duties of other constables belonging to the Metropolitan Police Force: Provided always, that it shall be lawful for the person or persons on whose application such appointment shall have been made, upon giving one calendar month's notice in writing to the Commissioners, to require that the constables so appointed shall be discontinued, and thereupon the Commissioners shall discontinue such additional constables; and all monies received on account of any such additional constables shall be paid to the receiver of the Metropolitan Police, and shall be accounted for by him in like manner as other monies receivable by him.

9. In addition to the returns relating to the Metropolitan Police which by former Acts are required to be laid annually before Parliament, there shall also be laid annually before both Houses of Parliament, together with such returns, a statement of the total number of persons belonging to the Metropolitan Police Force on the first day of January of the year in which each return is laid before Parliament, distinguishing the number of persons in each class or rank of such force, with the salaries and allowances enjoyed by each class.

A statement of the number of persons belonging to the Police Force to be annually laid before Parliament.

10. [*Exemption from turnpike tolls. Spent. No turnpike roads in London.*]

11. The said Commissioners of Police shall take care that a sufficient number of constables belonging to the Metropolitan Police Force shall be in attendance upon every Magistrate sitting at any police court within the limits of the metropolitan police district, and at every other criminal court holden within the said district, for the purpose of executing such summonses and warrants as may be directed to them. [*See also the County Voters Registration Act 1865, s. 16.*]

Police constables to attend the Magistrates.

12. All summonses and warrants to be issued in any criminal proceeding within the metropolitan police district, or by any Magistrate within the said district, shall be served and executed by a constable of the Metropolitan Police Force, and by none other. [*See the Customs Consolidation Act 1876, s. 227.*]

Summonses and warrants in criminal proceedings to be executed by them.

13. When any warrant shall be directed or delivered to any of the said constables, unless it be necessary for the due execution thereof that such warrant be executed without delay, the constable shall deliver the same to the superintendent or other his superior officer belonging to the Metropolitan Police Force, who shall appoint, by indorsement thereon, one or more constables to execute the same; and every constable whose name shall be so indorsed shall have the same powers, privileges, and protections for and in the execution of such warrant as if the same had been originally directed to him or them by name. [*See also 2 & 3 Vict. c. 71, s. 17 et. seq.*]

How warrants issued to police constables may be executed.

14. Every constable who shall be guilty of any neglect or violation of duty in his office of constable shall be liable to a penalty not more than ten pounds, the amount of which penalty may be deducted from any salary then due to such offender, or, in the discretion of the Magistrate, may be imprisoned, with or without hard labour, for any time not more than one calendar month.

Penalty on constables for neglect of duty.

15. No constable belonging to the Metropolitan Police Force shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do, in writing, by the superintendent under whom he may be placed, or unless he shall give to such superintendent one calendar month's notice of his intention; and every constable who shall so resign or withdraw himself without such leave or notice shall be liable to forfeit all arrears of pay then due to him or to a penalty not more than five pounds.

Constables not to resign without leave or notice.

16. Every constable belonging to the Metropolitan Police Force who shall be dismissed from or shall cease to hold and exercise his office, and who shall not forthwith deliver over all clothing, accoutrements, appointments, and other necessities which may have been supplied to him for the execution of his duty, to the superintendent, or to such person and at such time and place as shall be

Constables dismissed to deliver up accoutrements.

directed by the said superintendent, shall be liable to imprisonment, with or without hard labour, for any time not exceeding one calendar month : and it shall be lawful for any Justice of the Peace to issue his warrant to search for and seize to the use of Her Majesty all the clothing, accoutrements, appointments, and other necessities which shall not be so delivered over, wherever the same may be found.

Penalty for unlawful possession of accoutrements, or for assuming the dress of constables.

17. Every person, not being a constable of the Metropolitan Police Force, who shall have in his possession any article being part of the clothing, accoutrements, or appointments supplied to any such constable, and who shall not be able satisfactorily to account for his possession thereof, or who shall put on the dress or take the name, designation, or character of any person appointed as such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, shall, in addition to any other punishment to which he may be liable for such offence, be liable to a penalty not more than ten pounds.

Penalty for assaults on metropolitan police.

18. Every person who shall assault or resist any person belonging to the Metropolitan Police Force in the execution of his duty, or who shall aid or incite any person so to assault or resist, shall for every such offence be liable to a penalty not more than five pounds, or, in the discretion of the magistrate before whom he shall be convicted, may be imprisoned for any time not more than one calendar month. [*See 24 & 25 Vict. c. 51, s. 3.*]

19. [*Employment in the police not to prevent receiving half pay. Rep. by the Superannuation Act 1887, s. 14.*]

20. [*Increased salary to the Commissioners of Police. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

21. [*Commissioners, surgeon, receiver, and clerks to be within the Superannuation Act 1834. Rep. 38 & 39 Vict. c. 28, s. 4.*]

22—23. [*Superannuation Fund and rates of allowance. Rep. by the Police Act 1890, s. 36.*]

24. [*Repeal of 2 Geo. 3, c. 28. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

25. [*Certain boats subject to 7 & 8 Geo. 4, c. lxxv.* Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

Persons receiving ship stores from seamen, etc.

26. Every person who within the metropolitan police district shall knowingly take in exchange from any seaman or other person, not being the owner or master of any vessel, any thing belonging to any vessel lying in the River Thames or in any of the docks or creeks adjacent thereto, or any part of the cargo of any such vessel, or any stores or articles in charge of the owner or master of any such vessel, shall be deemed guilty of a misdemeanor.

Cutting ropes, cables, etc.

27. Every person who shall unlawfully cut, damage, or destroy any of the ropes, cables, cordage, tackle, headfasts, or other the furniture of or belonging to any ship, boat, or vessel, lying in the River Thames or in any of the docks or creeks adjacent thereto, with intent to steal or otherwise unlawfully obtain the same or any part thereof, shall be deemed guilty of a misdemeanor.

Wilfully letting fall articles into the Thames

28. It shall be lawful for any constable to take into custody every person who, for the purpose of preventing the seizure or discovery of any materials, furniture, stores, or merchandize belonging

* Rep. by the Thames Watermen and Lightermen's Act 1859 (22 & 23 Vict. c. lxxxiii.).

to or having been part of the cargo of any ship, boat, or vessel lying in the River Thames or the docks or creeks adjacent thereto, or of any other articles unlawfully obtained from any such ship or vessel, shall wilfully let fall or throw into the river, or in any other manner convey away from any ship, boat, or vessel, wharf, quay, or landing place, any such article, or who shall be accessory to any such offence, and also to seize and detain any boat in which such person shall be found or out of which any article shall be so let fall, thrown, or conveyed away; and every such person shall be deemed guilty of a misdemeanor.

29. Every person who, for the purpose of protecting or preventing anything whatsoever from being seized within the metropolitan police district on suspicion of its being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or made to serve as evidence concerning any felony or misdemeanor committed or supposed to be committed within the metropolitan police district, shall frame or cause to be framed any bill of parcels containing any false statement in regard to the name or abode of any alleged vendor, the quantity or quality of any such thing, the place whence or the conveyance by which the same was furnished, the price agreed upon or charged for the same, or any other particular, knowing such statement to be false, or who shall fraudulently produce such bill of parcels knowing the same to have been fraudulently framed, shall be deemed guilty of a misdemeanor.

30. Every person who shall be found within the metropolitan police district in or upon any canal, dock, warehouse, wharf, quay, or bank or on board any ship or vessel, having in his or her possession any tube or other instrument for the purpose of unlawfully obtaining any wine, spirits, or other liquors, or having in his or her possession any skin, bladder, or other material or utensil for the purpose of unlawfully secreting or carrying away any such wine, spirits, or other liquors, and any person who shall attempt unlawfully to obtain any such wine, spirits, or other liquors, shall be deemed guilty of a misdemeanor.

31. Every person who shall, within the metropolitan police district, bore, pierce, break, cut open, or otherwise injure any cask, box, or package containing wine, spirits, or other liquors, on board any ship, boat, or vessel, or in or upon any warehouse, wharf, quay, or bank, with intent feloniously to steal or otherwise unlawfully obtain any part of the contents thereof, or who shall unlawfully drink or wilfully spill or allow to run to waste any part of the contents thereof, shall be deemed guilty of a misdemeanor.

32. Every person who shall, within the metropolitan police district, wilfully cause to be broken, pierced, started, cut, torn, or otherwise injured, any cask, chest, bag, or other package containing or prepared for containing any goods while on board of any barge, lighter, or other craft lying in the said river, or any dock, creek, quay, wharf, or landing place adjacent to the same, or in the way to or from any warehouse, with intent that the contents of such package or any part thereof may be spilled or dropped from such package, shall be deemed guilty of a misdemeanor.

33. Any superintendent or inspector belonging to the metropolitan police force shall have power, by virtue of his office, to enter at all times, with such constables as he shall think necessary, as well by night as by day, into and upon every ship, boat, or other

or into a
boat, etc.
with fraudu-
lent inten-
tion.

Framing a
false bill of
parcels to
escape
detection.

Possessing
instruments
for unlaw-
fully pro-
curing and
carrying
away wine,
etc.

Piercing
casks, open-
ing pack-
ages, etc.

Breaking
packages
with intent
to spill con-
tents.

Superinten-
dents and
inspectors
may board
vessels.

vessel (not being then actually employed in Her Majesty's service) lying in the said river or creeks, or in any dock or docks thereto adjacent, and into every part of every such vessel, for the purpose of inspecting and upon occasion directing the conduct of any constable who may be stationed on board of any such vessel, and of inspecting and observing the conduct of all other persons who shall be employed on board of any such vessel in or about the lading or unlading thereof, as the case may be, and for the purpose of taking all such measures as may be necessary for providing against fire and other accidents, and preserving peace and good order on board of any such vessel, and for the effectual prevention or detection of any felonies or misdemeanors.

Superintendent, etc. having just cause to suspect felony may enter on board vessels and take up suspected persons.

34. It shall be lawful for every superintendent, inspector, or serjeant belonging to the Metropolitan Police Force having just cause to suspect that any felony has been or is about to be committed in or on board of any ship, boat, or other vessel lying in the said river, docks, or creeks, to enter at all times, as well by night as by day, into and upon every such ship, boat, or other vessel, and therein to take all necessary measures for the effectual prevention or detection of all felonies which he has just cause to suspect to have been or to be about to be committed in or upon the said river, docks, or creeks, and to take into custody all persons suspected of being concerned in such felonies, and also to take charge of all property so suspected to be stolen.

Unlawful quantities of gunpowder may be seized.

35. It shall be lawful for every superintendent or inspector belonging to the Metropolitan Police Force, with such constables as he shall think necessary, at any time between sun-rising and sun-setting, to enter any ship, boat, or vessel (except Her Majesty's ships) in the said river, docks, and creeks, and to search the same for unlawful quantities of gunpowder, and also to exercise the same powers of seizing, removing to proper places, and detaining all such unlawful quantities of gunpowder found on board any such ship, boat, or vessel, and the barrels or other packages in which such gunpowder shall be, as are given to persons searching for unlawful quantities of gunpowder under the warrant of a Justice by virtue of [*the Gunpowder Act 1772*] 12 Geo. 3, c. 61.*

Penalty for having on board guns loaded with ball, or discharging guns in the night.

36. Every master or commander or other officer of any ship, boat, or vessel (except Her Majesty's ships) who, while such ship or vessel shall lie or be in the River Thames between Westminster Bridge and Blackwall, keep any gun on board such ship, boat, or vessel shotted or loaded with ball, or cause or permit to be fired any gun on board such ship, boat, or vessel before sun-rising or after sun-setting, shall be liable for every gun so kept shotted or loaded to a penalty of five shillings, and for every gun so fired shall be liable to a penalty of ten shillings.

Penalty for heating combustible matters on board of vessels.

37. Every master or commander or other officer of any such ship, boat, or vessel, or any other person on board of the same, who, while such ship, boat, or vessel shall lie in the said river between Westminster Bridge and Blackwall, shall heat or melt, or cause or permit to be heated or melted, on board such ship, boat, or vessel, any pitch, tar, rosin, grease, tallow, oil, or other combustible matter, shall for every such offence be liable to a penalty not more than five pounds.

* 12 Geo. 3, c. 61 was repealed by 23 & 24 Vict. c. 139, which latter Act was repealed and replaced by the Explosives Act 1875, ss. 73 & 86.

38. The business and amusements of all fairs holden within the metropolitan police district shall cease at the hour of eleven in the evening, and shall not begin earlier than the hour of six in the morning; and if any house, room, booth, standing, tent, caravan, waggon, or other place shall, during the continuance of any such fair, be open within the hours of eleven in the evening and six in the morning, for any purpose of business or amusement, in the place where such fair shall be holden, it shall be lawful for any constable to take into custody the person having the care or management thereof, and also every person being therein who shall not quit the same forthwith upon being bidden by such constable so to do; and the person so then having the care or management of any such house, room, booth, standing, tent, caravan, waggon, or other place shall be liable to a penalty not more than five pounds, and every person convicted of having been therein, and of not having quitted the same forthwith upon being bidden by a constable so to do, shall be liable to a penalty not more than forty shillings. [See 31 & 32 Vict. c. 106.]

Penalty on
keeping
fairs open
within for-
bidden hours.

39. If it shall appear to the Commissioners of Police that any fair . . . holden within the metropolitan police district has been holden without lawful authority, or that any fair lawfully holden within the said district has been . . . holden for a longer period than is so warranted, it shall be competent to such Commissioners to direct one of the superintendents belonging to the Metropolitan Police Force to summon the owner or occupier of the ground upon which such fair is . . . holden to appear before a Magistrate at a time and place to be specified in the summons, not less than eight days after the service of the summons, to show his right and title to hold such fair, or to hold such fair beyond a given period (as the case may be); and if such owner or occupier shall not attend in pursuance of such summons, or shall not show to the Magistrate who shall hear the case sufficient cause to believe that such fair has been lawfully holden for the whole period during which the same has been . . . holden, the Magistrate shall declare in writing such fair to be unlawful, either altogether or beyond a stated period (as the case may be); and the Commissioners shall give notice of such declaration by causing copies thereof to be affixed on the parish church and on other public places in and near the ground where such fair has been . . . holden; and if, after such notices have been affixed for the space of six days, any attempt shall be made to hold such fair if it shall be declared altogether unlawful, or to hold it beyond the prescribed period if it shall be declared unlawful beyond a certain period, the Commissioners of Police may direct any constable to remove every booth, standing, and tent, and every carriage of whatsoever kind conveyed to or being upon the ground for the purpose of holding or continuing such fair, and to take into custody every person erecting, pitching, or fixing, or assisting to erect, pitch, or fix, any such booth, standing, or tent, and every person driving, accompanying, or conveyed in every such carriage, and every person resorting to such ground with any show or instrument of gambling or amusement: and every person convicted before a Magistrate of any of the offences last aforesaid shall be liable to a penalty not more than ten pounds. [Parts omitted (the word "usually") *rep.* 37 & 38 Vict. c. 96 (S.L.R.).]

Fairs within
the metro-
politan po-
lice district
may be in-
quire'd into.

If declared
unlawful,
booths, etc.,
to be re-
moved.

40. Provided nevertheless, that if the owner or occupier of the ground whereon any such fair has been . . . holden shall, when

On entering
into recog-
nizance,

question as to right of title to fair may be tried in the Queen's Bench.

summoned before the Magistrate, enter into a recognizance in the penal sum of two hundred pounds (which recognizance such Magistrate is hereby authorized to take) with condition to appear in the Court of Queen's Bench on the first day of the then next term and to answer to any information which Her Majesty's Attorney or Solicitor General may exhibit against such owner or occupier touching his right and title to such fair, and to abide the judgment of the Court thereon, and to pay such costs as may be awarded by the Court, which costs the said Court is hereby authorized to award, then, notwithstanding the Magistrate may have declared such fair to be unlawful, the Commissioners of Police shall forbear from giving notice of such declaration, and from taking any further measures thereon, until judgment shall be given by the said Court against the right and title to such fair; and the Magistrate taking such recognizance shall forthwith transmit the same to one of Her Majesty's principal Secretaries of State, to the end that the same may be filed in the said Court, and such further directions may be given thereon as to such Secretary of State may seem fit. [*Note to s. 39 applies.*]

Freemen of Vintners Company subject to certain provisions.

41. Every person who by reason of his or her freedom of the mystery or craft of Vintners of the city of London, or of any right or privilege of such mystery, shall claim to be entitled to sell foreign wine by retail, to be drunk or consumed on the premises within the metropolitan police district, without licence, shall be subject to all the provisions of all Acts made for the regulation of persons so licensed (except those provisions which require or refer to the taking out of a licence either from any Justice of the Peace or from the Commissioners of Excise). . . . [*Part omitted (provisions in case of offence) rep. by the Licensing Act 1872, s. 75.*]

42—43. [*Public houses to be shut on Sunday mornings, and publicans not to supply to persons under sixteen. Rep. by the Licensing Act 1872, s. 75.*]

Regulations of 9 G. 4. c. 61.* respecting public houses to extend to other houses of public resort.

44. . . . Every person who shall have or keep any house, shop, room, or place of public resort within the metropolitan police district, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) and who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house, shop, room, or place, or knowingly suffer any unlawful games or any gaming whatsoever therein, or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein, shall for every such offence be liable to a penalty of not more than five pounds. . . . [*Parts omitted (recital and proviso as to licensed victualler) rep. 37 & 38 Vict. c. 96 (S.L.R.), and 53 & 54 Vict. c. 51 (S.L.R.). See also the Licensing Act 1872, s. 14.*]

Penalty on keepers of cook shops, etc. making internal communication with an adjoining public house.

45. Every person who shall make or use or allow to be made or used any internal communication between any house, shop, room, or place of public resort not licensed for the sale of wine, spirits, beer, or other exciseable articles within the said district, and any house, shop, room, or place licensed for the sale of wine, spirits, beer, or other exciseable articles, or in which wine is sold by a free Vintner, shall be liable to a penalty not more than ten pounds for every day that such communication shall be open. [*See also the Licensing Act 1872, s. 9.*]

* The Alehouse Act 1828.

46. It shall be lawful for the said Commissioners of Police, by order in writing, to authorize any superintendent belonging to the Metropolitan Police, with such constables as he may think necessary, to enter into any house or room kept or used within the said district for stageplays or dramatic entertainments into which admission is obtained by payment of money, and which is not a licensed theatre, at any time when the same shall be open for the reception of persons resorting thereto, and to take into custody all persons who shall be found therein without lawful excuse; and every person keeping, using, or knowingly letting any house or other tenement for the purpose of being used as an unlicensed theatre shall be liable to a penalty not more than twenty pounds, or in the discretion of the Magistrate may be committed to the House of Correction, with or without hard labour, for a time not more than two calendar months; and every person performing or being therein without lawful excuse shall be liable to a penalty not more than forty shillings, and a conviction under this Act for this offence shall not exempt the owner, keeper, or manager of any such house, room, or tenement from any penalty or penal consequences to which he may be liable for keeping a disorderly house, or for the nuisance thereby occasioned. [*See also 25 Geo. 2. s. 36, s. 2, and the Theatres Act 1843, ss. 2, 11. (See Appendix.)*]

Power to enter unlicensed theatres, and take away persons found there.

47. Every person who within the metropolitan police district shall keep or use, or act in the management of any house, room, pit, or other place for the purpose of fighting or baiting lions, bears, badgers, cocks, dogs, or other animals, shall be liable to a penalty not more than five pounds, or in the discretion of the Magistrate may be committed to the House of Correction, with or without hard labour, for a time not more than one calendar month; and it shall be lawful for the Commissioners of Police, by order in writing, to authorize any superintendent belonging to the Metropolitan Police Force, with such constables as he shall think necessary, to enter any premises kept or used for any of the purposes aforesaid, and take into custody all persons who shall be found therein without lawful excuse, and every person so found shall be liable to a penalty not more than five shillings, and a conviction under this Act of this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penalty or penal consequence to which he may be liable for the nuisance thereby occasioned.

Places used for bear-baiting, cock-fighting, etc.

48. If any superintendent belonging to the Metropolitan Police Force shall report in writing to the said Commissioners that there are good grounds for believing any house or room, within the metropolitan police district, to be kept or used as a common gaming house, and if two or more householders dwelling within the said district, and not belonging to the Metropolitan Police Force, shall make oath in writing to be by them taken and subscribed before a Magistrate, and annexed to the said report, which oath every Magistrate is hereby empowered to administer and receive, that the premises complained of by the superintendent are commonly reported and are believed by the deponents to be kept or used as a common gaming house, it shall be lawful for the Commissioners, by order in writing, to authorize the superintendent to enter any such house or room, with such constables as shall be directed by the Commissioners to accompany him, and, if necessary, to use

Commissioners empowered to authorize superintendents of police to enter gaming houses.

force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who shall be found therein, and to seize and destroy all tables and instruments of gaming found in such house or premises, and also to seize all monies and securities for money found therein; and the owner or keeper of the said gaming house, or other person having the care and management thereof, and also every banker, croupier, and other person who shall act in any manner in conducting the said gaming house, shall be liable to a penalty not more than one hundred pounds, or, in the discretion of the Magistrate before whom he shall be convicted of the offence, may be committed to the House of Correction, with or without hard labour, for a time not more than six calendar months; and upon conviction of any such offender all the monies and securities for monies which shall have been seized as aforesaid shall be paid to the said receiver, to be by him applied towards defraying the charge of the police of the metropolis; and every person found in such premises without lawful excuse shall be liable to a penalty not more than five pounds: Provided always, that nothing herein contained shall prevent any proceeding by indictment against the owner or keeper or other person having the care or management of any gaming house: but no person shall be proceeded against by indictment and also under this Act for the same offence. [*See also the Gaming Act 1845, s. 2.*]

49. [*Proof of gaming for money, etc., not necessary. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Penalty on pawnbrokers receiving pledges from persons under the age of 16.

50. Every pawnbroker within the metropolitan police district, and every agent or servant employed by any such pawnbroker, who shall purchase or receive or take any goods or chattels in pawn or pledge of or from any person apparently under the age of sixteen years shall be liable to a penalty not more than five pounds.

Empowering the Commissioners of Police to regulate the route and conduct of persons driving stage carriages, cattle, etc. during the hours of divine service.

51. On the application of the minister or churchwardens of any church, chapel, or other place of public worship within the metropolitan police district to the Commissioners of Police, it shall be lawful for the said Commissioners to make orders for regulating the route and conduct of persons who shall drive any cart or carriage, or who shall drive any cattle, sheep, pigs, or other animals, within such parish or place during the hours of divine service on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, and any orders which shall be so made shall be printed and affixed on or near the church, chapel, or place of public worship to which the same shall refer, and in some conspicuous places leading to and contiguous thereto, and elsewhere as the Commissioners of Police shall direct; and every breach of any such order shall be deemed a separate offence. [*See 30 & 31 Vict. c. 134, ss. 7, 11, and 12.*]

Regulations for preventing obstructions in the streets during public processions, etc.

52. It shall be lawful for the Commissioners of Police from time to time, and as occasion shall require, to make regulations for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets and thoroughfares within the metropolitan police district, in all times of public processions, public rejoicings, or illuminations, and also to give directions to the constables for keeping order and for preventing any obstruction of the thoroughfares in the immediate neighbourhood of Her Majesty's palaces and the public offices, the High Court of Parliament, the Courts of Law and Equity, the police

courts, the theatres, and other places of public resort, and in any case when the streets or thoroughfares may be thronged or may be liable to be obstructed. [*Amended 30 & 31 Vict. c. 134, s. 24.*]

53. No proprietor of any stage carriage duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the route or line of route specified in his licence, which the driver of such stage carriage shall make by virtue of any regulation or direction made or given by the Commissioners of Police.

Proprietors of stage carriages not liable to penalties for deviating from route.

54. Every person shall be liable to a penalty not more than forty shillings, who, within the limits of the metropolitan police district, shall, in any thoroughfare or public place, commit any of the following offences: (that is to say,)

Prohibition of nuisances by persons in the thoroughfares.

1. Every person who shall, to the annoyance of the inhabitants or passengers, expose for show or sale, (except in a market lawfully appointed for that purpose,) or feed or fodder any horse or other animal, or show any caravan containing any animal, or any other show or public entertainment, or shoe, bleed, or farry any horse or animal, (except in cases of accident,) or clean, dress, exercise, train, or break any horse or animal, or clean, make, or repair any part of any cart or carriage, except in cases of accident where repair on the spot is necessary:
2. Every person who shall turn loose any horse or cattle, or suffer to be at large any unmuzzled ferocious dog, or set on or urge any dog or other animal to attack, worry, or put in fear any person, horse, or other animal:
3. Every person who by negligence or ill-usage in driving cattle shall cause any mischief to be done by such cattle, or who shall in anywise misbehave himself in the driving, care, or management of such cattle, and also every person not being hired or employed to drive such cattle who shall wantonly and unlawfully pelt, drive, or hunt any such cattle:
4. Every person having the care of any cart or carriage who shall ride on any part thereof, on the shafts, or on any horse or other animal drawing the same, without having and holding the reins, or who shall be at such a distance from such cart or carriage as not to have the complete control over every horse or other animal drawing the same:
5. Every person who shall ride or drive furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers in any thoroughfare: *
6. Every person who shall cause any cart, public carriage, sledge, truck, or barrow, with or without horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down passengers, except hackney carriages standing for hire in any place not forbidden by law, or who by means of any cart, carriage, sledge, truck, or barrow, or any horse or other animal, shall wilfully interrupt any public crossing, or wilfully cause any obstruction in any thoroughfare: *
7. Every person who shall lead or ride any horse or other animal, or draw or drive any cart or carriage, sledge, truck, or barrow, upon any footway or curbstone, or fasten any horse or other animal so that it can stand across or upon any footway: *

* See also the Highway Act 1835, ss. 72 and 78, and 6 & 7 Vict. c. 86, ss. 28 and 33.

8. Every person who shall roll or carry any cask, tub, hoop, or wheel, or any ladder, plank, pole, showboard, or placard, upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway :
9. Every person who, after being made acquainted with the regulations or directions which the Commissioners of Police shall have made for regulating the route of horses, carts, carriages, and persons during the time of Divine service, and for preventing obstructions during public processions, and on other occasions herein-before specified, shall wilfully disregard or not conform himself thereunto :
10. Every person who, without the consent of the owner or occupier, shall affix any posting bill or other paper against or upon any building, wall, fence, or pale, or write upon, soil, deface, or mark any such building, wall, fence, or pale with chalk or paint, or in any other way whatsoever, or wilfully break, destroy, or damage any part of any such building, wall, fence, or pale, or any fixture or appendage thereunto, or any tree, shrub, or seat in any public walk, park, or garden :
11. Every common prostitute or nightwalker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers :
12. Every person who shall sell or distribute or offer for sale or distribution, or exhibit to public view, any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sing any profane, indecent, or obscene song or ballad, or write or draw any indecent or obscene word, figure, or representation, or use any profane, indecent, or obscene language to the annoyance of the inhabitants or passengers : [*See also the Indecent Advertisements Act 1889.*]
13. Every person who shall use any threatening, abusive, or insulting words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned :
14. Every person, except the guards and postmen belonging to Her Majesty's post office in the performance of their duty, who shall blow any horn or use any other noisy instrument, for the purpose of calling persons together, or of announcing any show or entertainment, or for the purpose of hawking, selling, distributing, or collecting any article whatsoever, or of obtaining money or alms : *
15. Every person who shall wantonly discharge any fire-arm, or throw or discharge any stone or other missile, to the damage or danger of any person, or make any bonfire, or throw or set fire to any firework :
16. Every person who shall wilfully and wantonly disturb any inhabitant by pulling or ringing any door-bell or knocking at any door without lawful excuse, or who shall wilfully and unlawfully extinguish the light of any lamp : †
17. Every person who shall fly any kite or play at any game to the annoyance of the inhabitants or passengers, or who shall make or use any slide upon ice or snow in any street or other thoroughfare, to the common danger of the passengers.

* See also 6 & 7 Vict. c. 86, s. 33. † See also 18 & 19 Vict. c. 120, s. 206.

And it shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody, without warrant, any person who shall commit any such offence within view of any such constable.

55. No person other than persons acting in obedience to lawful authority shall discharge any cannon or other fire-arm of greater calibre than a common fowling piece within three hundred yards of any dwelling house within the said district to the annoyance of any inhabitant thereof, and every person who after being warned of the annoyance by any inhabitant shall discharge any such fire-arm shall be liable to a penalty not more than five pounds. Cannon, etc. not to be fired near dwelling houses.

56. . . . every person who within the metropolitan police district shall use any dog for the purpose of drawing or helping to draw any cart, carriage, truck, or barrow shall be liable to a penalty not more than forty shillings for the first offence, and not more than five pounds for the second or any following offence. Dog carts, etc. prohibited after 1st January 1840.
[*Parts omitted (as to commencement of Act) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

57. [*Street musicians to depart when desired. Rep. and replaced 27 & 28 Vict. c. 55, s. 1.*]

58. Every person who shall be found drunk in any street or public thoroughfare within the said district, and who while drunk shall be guilty of any riotous or indecent behaviour, and also every person who shall be guilty of any violent or indecent behaviour in any police station house, shall be liable to a penalty of not more than forty shillings for every such offence, or may be committed, if the Magistrate before whom he shall be convicted shall think fit, instead of inflicting on him any pecuniary penalty, to the House of Correction for any time not more than seven days. Drunkards guilty of riotous or indecent behaviour may be imprisoned.

59. Every person who shall ride upon or cause himself to be carried or drawn by any carriage within the metropolitan police district without the consent of the owner or driver thereof, shall be liable to a penalty not more than five shillings, or if a child apparently under the age of twelve years it shall be lawful for the Magistrate to cause such child to be detained until his parent or guardian can attend for the purpose of having such child delivered into his care, and if such parent or guardian do not so attend before the closing of the police court for the day it shall be lawful for the Magistrate to order such child to be discharged. Persons using carriages without driver's consent ; liable to penalty.

60. Every person who, in any street or public place within the limits of the metropolitan police district, shall be guilty of any of the following offences, shall be liable to a penalty not more than forty shillings for every such offence : (that is to say,) Prohibition of other nuisances.

1. Every person who in any thoroughfare shall burn, dress, or cleanse any cask, or hoop, cleanse, fire, wash, or scald any cask or tub, or hew, saw, bore, or cut any timber or stone, or slack, sift, or screen any lime :
2. Every person who shall throw or lay in any thoroughfare any coals, stones, slates, shells, lime, bricks, timber, iron, or other materials (except building materials, or rubbish thereby occasioned, which shall be placed or inclosed so as to prevent any mischief happening to passengers) :
3. Every person who in any thoroughfare shall beat or shake any carpet, rug, or mat (except door mats before the hour of eight in the morning), or throw or lay any dirt, litter, or ashes, or any carrion, fish, offal, or rubbish, or throw or

cause any such thing to fall into any sewer, pipe, or drain, or into any well, stream, or watercourse, pond or reservoir for water . . . : [See also 18 & 19 Vict. c. 120, s. 205, and 57 & 58 Vict. c. cxxii. s. 8.]

[Part omitted (as to conveyance of offensive matter, keeping of swine, cleansing of footpaths, etc.) *rep.* 54 & 55 Vict. c. 76, s. 142.]

7. Every person who shall expose anything for sale in any park or public garden, unless with the consent of the owner or other person authorized to give such consent, or upon or so as to hang over any carriageway or footway, or on the outside of any house or shop, or who shall set up or continue any pole, blind, awning, line, or any other projection from any window, parapet, or other part of any house, shop, or other building, so as to cause any annoyance or obstruction in any thoroughfare : [See also 18 & 19 Vict. c. 120, ss. 119 and 120 : and 53 & 54 Vict. c. cxxliii. s. 14, and *Sch.*, para. 29.]
8. Every person who, to the danger of passengers in any thoroughfare, shall leave open any vault or cellar, or the entrance from any thoroughfare to any cellar or room underground, without a sufficient fence or handrail, or leave defective the door, window, or other covering of any vault or cellar, or who shall not sufficiently fence any area, pit, or sewer left open in or adjoining to any thoroughfare, or who shall leave such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto. [See also 57 Geo. 3, c. xxix. s. 70.]

Mad dogs,
etc.

61. It shall be lawful for any constable belonging to the Metropolitan Police Force to destroy any dog or other animal reasonably suspected to be in a rabid state, or which has been bitten by any dog or animal reasonably suspected to be in a rabid state : and the owner of any such dog or animal who shall permit the same to go at large after having information or reasonable ground for believing it to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state, shall be liable to a penalty not more than five pounds.

Compensation for
hurt or damage not
exceeding
10*l.*

62. Every person who, by committing any offence herein forbidden within the said district, shall have caused any hurt or damage to any person or property, may be apprehended, with or without any warrant, by any constable, and if he shall not, upon demand, make amends for such hurt or damage to the satisfaction of the person aggrieved, he shall be detained by the constable in order to be taken before a Magistrate, and upon conviction shall pay such a sum, not more than ten pounds, as shall appear to the Magistrate before whom he shall be convicted to be reasonable amends to the person aggrieved, besides any penalty to which he may be liable for the offence, and the evidence of the person aggrieved shall be admitted in proof of the offence : Provided always, that if the person aggrieved shall have been the only witness examined in proof of the offence the sum ordered as amends shall be paid and applied in the same manner as a penalty. [See also 6 & 7 Vict. c. 86, s. 28.]

Constables
may apprehend any of-
fender whose
name and
residence
are not
known.

63. It shall be lawful for any constable belonging to the metropolitan police district, and for all persons whom he shall call to his assistance, to take into custody, without a warrant, any person who within view of any such constable shall offend in any manner against this Act, and whose name and residence shall be unknown to such constable, and cannot be ascertained by such constable.

64. It shall be lawful for any constable belonging to the Metropolitan Police to take into custody, without a warrant, all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit any felony, misdemeanor, or breach of the peace, and all persons whom he shall find between sunset and the hour of eight in the morning lying or loitering in any highway, yard, or other place, and not giving a satisfactory account of themselves. [See also 10 Geo. 4. c. 44. s. 7.]

Constables may apprehend without warrant in certain cases.

65. It shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody, without warrant, any person who within the limits of the metropolitan police district shall be charged by any other person with committing any aggravated assault, in every case in which such constable shall have good reason to believe that such assault has been committed, although not within view of such constable, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender.

Persons charged with recent assaults may be apprehended without warrant.

66. Any person found committing any offence punishable either upon indictment or as a misdemeanor upon summary conviction, by virtue of this Act, may be taken into custody without a warrant by any constable, or may be apprehended by the owner of the property on or with respect to which the offence shall be committed, or by his servant or any person authorized by him, and may be detained until he can be delivered into the custody of a constable to be dealt with according to law; and every such constable may also stop, search, and detain any vessel, boat, cart, or carriage in or upon which there shall be reason to suspect that any thing stolen or unlawfully obtained may be found, and also any person who may be reasonably suspected of having or conveying in any manner any thing stolen or unlawfully obtained; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed with respect to such property, or that the same or any part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and if in his power is required, to apprehend and detain, and as soon as may be to deliver such offender into the custody of a constable, together with such property, to be dealt with according to law. [See also 2 & 3 Vict. c. 71. s. 24.]

Power to police constables and persons aggrieved to apprehend certain offenders.

67. It shall be lawful for any constable to stop and detain, until due inquiry can be made, all carts and carriages which he shall find employed in removing the furniture of any house or lodging between the hours of eight in the evening and six in the following morning, or whenever the constable shall have good grounds for believing that such removal is made for the purpose of evading the payment of rent.

Removing furniture to evade rent.

68. Whenever any person having charge of any horse, cart, carriage, or boat, or any other animal or thing, shall be taken into the custody of any constable under the provisions of this Act, it shall be lawful for any constable to take charge of such horse, cart, carriage, or boat, or such other animal or thing, and to deposit the same in some place of safe custody, as a security for payment of any penalty to which the person having had charge thereof may become liable, and for payment of any expenses which may have been necessarily incurred for taking charge of and keeping the

Horses, carriages, etc., of offenders may be detained.

same; and it shall be lawful for any Magistrate before whom the case shall have been heard to order such horse, cart, carriage, or boat, or such other animal or thing, to be sold, for the purpose of satisfying such penalty, and reasonable expenses in default of payment thereof, in like manner as if the same had been subject to be distrained, and had been distrained for the payment of such penalty and reasonable expenses.

Persons apprehended without warrant to be taken to the station house.

69. Every person taken into custody by any constable belonging to the Metropolitan Police, without warrant, except persons detained for the mere purpose of ascertaining their name or residence, shall be forthwith delivered into the custody of the constable in charge of the nearest station house, in order that such person may be secured until he can be brought before a Magistrate, to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the constable in charge shall deem it prudent to take bail in the manner herein-after mentioned.

Power to take recognizances at station houses on petty charges.

70. Whenever any person charged with any offence of which he is liable to be summarily convicted before a Magistrate, or with having carelessly done any hurt or damage, shall be, without the warrant of a Magistrate, in the custody of any constable of the Metropolitan Police in charge of any station house during the time when the police courts shall be shut, it shall be lawful for such constable, if he shall deem it prudent, to take the recognizance of such person, with or without sureties, conditioned as herein-after mentioned.

Power to bind over persons making charges.

71. Whenever any person charged with any felony, or any misdemeanor punishable by transportation, or other grave misdemeanor, shall be, without warrant, in the custody of any constable of the Metropolitan Police, at any station house, during the time when the police courts shall be shut, it shall be lawful for the constable in charge of the station house to require the persons making such charge to enter into a recognizance conditioned as herein-after mentioned, and upon his or her refusal so to do it shall be lawful for such constable, if he shall deem it prudent, to discharge from custody the person so charged, upon his or her recognizance, with or without sureties, conditioned as herein-after mentioned.

Condition of recognizance.

72. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate of the district in which such station house shall be situated, at his next sitting, and the time and place of appearance shall be specified in the recognizance; and the constable shall enter in a book, to be kept for that purpose at every such station house, the name, residence, and occupation, of the party, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear. [*See also 3 & 4 Vict. c. 84, s. 8.*]

Penalty for offences for which no penalty is appointed.

73. For every misdemeanor or other offence against this Act for which no special penalty is herein-before appointed, the offender shall, at the discretion of the Magistrate before whom the conviction shall take place, either be liable to a penalty not more than five pounds, or be imprisoned for any time not more than one calendar month in any gaol or house of correction within the jurisdiction of such Magistrate.

74. Provided always, that nothing herein contained shall be construed to prevent any person from being indicted for any indictable offence made punishable on summary conviction by this Act, or to prevent any person from being liable under any other Act or Acts to any other or higher penalty or punishment than is provided for such offence by this Act, so nevertheless that no person be punished twice for the same offence.

Not to repeal local Acts containing penalties.

75. In the construction of this Act the word "Magistrate" shall be taken to mean and include every Justice of the Peace appointed to be a Magistrate of the police courts of the metropolis. . . . [Part omitted (as to a Justice acting where there is no police court) rep. 3 & 4 Vict. c. 84, s. 1.]

Meaning of the word Magistrate.

76. Every such Magistrate shall be empowered summarily to convict any person charged with any offence against this Act, on the oath of one or more witnesses or by his own confession, and to award the penalty or punishment herein provided for such offence; and the matter of such complaint shall be heard and determined by one of the Justices appointed to be a Magistrate of the police courts of the metropolis at one of the said police courts. . . . [Part omitted (as to two Justices acting where there is no police court) rep. 3 & 4 Vict. c. 84, s. 1.]

Offences how to be tried.

77. In every case of the adjudication of a pecuniary penalty or amends under this Act, and nonpayment thereof, it shall be lawful for the Magistrate to commit the offender to any gaol or house of correction within his jurisdiction for a term not more than one calendar month, where the sum to be paid shall not exceed five pounds, the imprisonment to cease on payment of the sum due; and the costs for the recovery thereof, and so much of every such pecuniary penalty as shall not be awarded to the informer or other persons who have contributed to the conviction, shall be paid to the Receiver of the Metropolitan Police for the purposes of this Act; and the residue thereof, under the direction of the Magistrate by whom the same shall have been adjudged, shall be paid and applied either to the use of the informer alone or to the use of such persons as shall have contributed to the conviction of the offender, in such shares and proportions as such Magistrate shall think fit. [See also 2 & 3 Vict. c. 71, s. 34.]

If penalty is not paid the offender may be committed.

78. In the construction of this Act, unless there be something in the context repugnant thereunto, any word denoting the singular number of the male sex shall be taken to extend to any number of persons or things and to both sexes; and all things herein authorized to be done by the Commissioners of Police of the Metropolis may be done by either of them.

Interpretation clause.

79. This Act shall be construed as one Act with the said Act passed in the tenth year of the reign of King George the Fourth for the Improvement of Police in and near the Metropolis; and all the provisions of the said Act, except so far as is herein otherwise provided, shall extend to this Act, and to all things done in execution of this Act.

This act to be construed with 10 G. 4. c. 41.

80. [Act may be altered this session. Rep. 37 & 38 Vict. c. 96 (S.L.R.).]

CHAPTER 71.

AN ACT FOR REGULATING THE POLICE COURTS IN THE METROPOLIS.
[24th August 1839.][*Preamble rep. 53 & 54 Vict. c. 51 (S.L.R.).*]

Continuance
of the police
courts and
Police Magis-
trates.

1. The several police courts now established under the names of the public office in Bow Street, and the police offices in the parishes of Saint Margaret Westminster, Saint James Westminster, Saint Mary-le-bone, Saint Andrew Holborn, Saint Leonard Shoreditch, Saint Mary Whitechapel, and Saint John Wapping, in the county of Middlesex, and Saint Saviour in the county of Surrey, shall be continued, and the several persons appointed to execute the duties of a Justice of the Peace at the said courts shall continue to execute the same there, and shall be Justices of the counties of Middlesex, Surrey, Kent, Essex, and Hertfordshire, the city and liberty of Westminster, and the liberty of the Tower of London, and Magistrates of the said courts, during Her Majesty's pleasure.

Her Majesty
in Council
may alter the
number and
situation of
the courts.

2. It shall be lawful for Her Majesty, with the advice of her Privy Council, to alter the number of the police courts, and to alter the number of Magistrates appointed to any of the said courts, and to order such changes to be made of the places in which they shall be holden within the metropolitan police district, as shall be found expedient; and every such court shall thenceforth be holden in the place in or to which it shall be so ordered to be established or removed: Provided always, that there shall not at any time be more than twenty-seven such Magistrates. [*See 3 & 4 Vict. c. 84, s. 2.*]

Limiting
number of
Magistrates.

Vacancies to
be supplied
by Her Ma-
jesty from
barristers.

3. To supply such . . . vacancies among the Magistrates of the said Courts which Her Majesty shall think fit to supply, Her Majesty may appoint a sufficient number of fit persons each of whom shall have practised as a barrister during at least seven years then last past, or who shall have practised as a barrister for four years then last past, having previously practised as a certificated special pleader for three years below the bar, to be Magistrates of the said courts; and any person so appointed . . . may act as a Justice of the Peace in and for the said counties and liberties, although he may not have the qualification by estate required of other Justices of the Peace: Provided always, that no person hereafter to be appointed to be a Magistrate of the said courts shall act in his office until he shall have taken and subscribed before some Justice or Baron of one of Her Majesty's Courts of Record at Westminster the oaths taken and subscribed by Justices of the Peace, except the oath of qualification. [*Amended by the Stipendiary Magistrates Act 1858, s. 14.* Parts omitted (as to existing Magistrates) rep. 37 & 38 Vict. c. 96 (S.L.R.). See also the Indictable Offences Act 1848, s. 31.*]

Appoint-
ment of
clerks,
ushers,
door-
keepers, and
messengers.

4. [*Magistrates, etc., exempt from serving on juries. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

5. One of Her Majesty's principal Secretaries of State shall fix the number of clerks, ushers, door-keepers, and messengers to assist

* S. 14 of the Stipendiary Magistrates Act 1858 (21 & 22 Vict. c. 73) is as follows: "14. It shall be lawful for Her Majesty to appoint any stipendiary Magistrate acting for any city, town, liberty, borough or place in England or Wales to be a Magistrate of any one of the police courts of the metropolitan police district, although such stipendiary Magistrate shall not have practised as a barrister during at least seven years then last past, nor shall have practised as a barrister for four years then last past having previously practised as a certificated special pleader for three years below the bar."

in carrying on the business of each of the said courts, who shall be appointed, and may be dismissed at pleasure, by the Secretary of State; and the clerks now acting at the said several offices shall be continued the clerks of the said courts during the pleasure of the Secretary of State; and no person shall hereafter be appointed chief clerk in any of the said courts unless he shall be an attorney of one of Her Majesty's superior Courts of Law at Westminster, or shall have served as clerk in one or more of the said police courts or offices, or as clerk to the Justices of any division or special or petty session within the metropolitan police district, during at least seven years; and no clerk in any of the said courts shall hold or have any other office or employment whatsoever, except any office or employment to which any such clerk has been appointed before the passing of this Act with the sanction of the Secretary of State: and every usher, door-keeper, and messenger appointed to any of the said courts shall be sworn as a constable, but shall only be empowered to act as a constable within the said courts and the precincts thereof, unless for the protection of the Magistrates or of persons resorting to the court, or, in case of being sworn in as special constables, in any urgent necessity in which the services of any one or more of them may be specially required by an order in writing from the Secretary of State. [*See 3 & 4 Vict. c. 84, s. 7.*]

6. [*No Magistrate or officer of the courts to vote at certain elections. Rep. by the Revenue Officers Disabilities Removal Act 1874.*]

7. The Receiver of the metropolitan police district for the time being shall be the Receiver of the said courts, and shall receive all fees, penalties, and forfeitures and other monies applicable to the purposes of this Act, and shall pay quarterly the salaries, expenses, and charges attending the said courts and in carrying this Act into execution, . . . and shall further do all such other lawful matters and things having relation to the business of his office, and towards putting this Act into execution, as from time to time shall be directed by one of Her Majesty's principal Secretaries of State. [*Part omitted (as to contracts and buildings) rep. 34 & 35 Vict. c. 35, s. 5.**]

8. All the provisions and enactments contained in an Act passed in the tenth year of the reign of King George the Fourth, intituled "An Act for improving the Police in and near the Metropolis," relative to the drawing and accounting for monies which may come into the hands of the Receiver of the metropolitan police district for the purposes of that Act, and for auditing the accounts and taking security from the said Receiver, shall be deemed to extend to the said Receiver in respect to all monies which he shall receive under this Act, as fully as if the same were herein enacted; and with respect to all the powers and liabilities of the said Receiver, or anything to be done by or any contract to be entered into with the said Receiver, the execution of this Act shall be deemed one of the purposes of the said Act for improving the Police in and near the Metropolis. [*See the Police Act 1890, s. 29.*]

9. Instead of the salaries heretofore payable to the said Magistrates, clerks, and other officers of the said courts, and to the Receiver of the metropolitan police district, there shall be payable out of the monies in the hands of the Receiver such salaries as Her Majesty shall direct, the salary to the chief Magistrate not being more than twelve hundred pounds; and to each of the other Magistrates not

Receiver of Metropolitan Police to be Receiver under this Act.

Extension of powers and duties of Receiver when acting under this Act. 10 G. 4. c. 44.

Salaries of Magistrates, Receiver, clerks, and officers.

more than twelve hundred pounds; and to the Receiver not more than one thousand pounds; and to the chief clerk in each of the said courts not more than five hundred pounds; and to the second clerk in each of the said courts not more than three hundred pounds; and the salaries to the other clerks and officers employed in the said courts in due proportion with regard to their several stations and the duties they have to perform; and such salaries shall be paid quarterly, by equal portions, on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October in every year . . . ; and in case of vacancy in any of the said offices at any intermediate time, the person making the vacancy, or his executors or administrators, shall be entitled to a proportional part of his quarterly salary, according to the time elapsed between the vacancy and the last quarterly payment. [*Rep. (as to amounts of salaries of chief Magistrate and Receiver, and first payment thereof)* 37 & 38 Vict. c. 96 (S.L.R.), (as far as relates to any Police Magistrate) 38 & 39 Vict. c. 3, s. 2, and (as far as relates to salaries of clerks and officers) 60 & 61 Vict. c. 26, s. 2. See also 62 & 63 Vict. c. 26, s. 1.]

10. [*If civil court for recovery of small debts established, metropolitan Magistrates to take the duties thereof.* Rep. 37 & 38 Vict. c. 96 (S.L.R).]

11. [*Her Majesty may direct an issue from the Consolidated Fund towards the expenses of this Act.* Rep. 38 & 39 Vict. c. 3, s. 2.]

Time of
attendance
of Magis-
trates.

12. On every day, excepting Sundays, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, one of the said Magistrates shall attend at each of the police courts established or to be established within the metropolitan police district from ten of the clock in the morning until five of the clock in the afternoon; and every such Magistrate shall attend at such other times as urgent necessity may require, or shall be directed by one of Her Majesty's principal Secretaries of State; and the Secretary of State shall have power from time to time to direct at which court each of the said Magistrates shall attend. [*Amended* 3 & 4 Vict. c. 84, s. 3. See also 60 & 61 Vict. c. 14, s. 1.]

Acts directed
to be done
by a neigh-
bouring
Justice may
be done by
any of the
said Magis-
trates.

13. Where by any law now in being, or by any Act not containing an express enactment to the contrary hereafter to be made, any act is directed or authorized to be done by any Justice or Justices of the Peace belonging to any of the said offices, or by any Justice or Justices residing in or near or next the parish or place where any offence or other matter cognizable before him or them shall be committed or shall arise, the same jurisdiction may be exercised by one of the said Magistrates in any of the said courts.

One Magis-
trate may do
any act
directed to
be done by
more than
one Justice.

14. It shall be lawful for any one of the said Magistrates appointed or hereafter to be appointed to do alone any act at any of the said courts, or at any place where Her Majesty shall order any such court to be holden within the limits of the metropolitan police district for the time being, which by any law now in force, or by any law not containing an express enactment to the contrary hereafter to be made, is or shall be directed to be done by more than one Justice: Provided always, that none of the said Magistrates shall be competent to act as a Justice of the Peace, either alone or with any other Justice or Justices, in any thing which is to be done at a Special or Petty Session of all the Justices acting in the division, or by the Justices of any of the said counties or liberties in Quarter Session assembled.

Except at
Petty
Sessions.

15. The said Magistrates, or so many as may be able to attend, shall meet together once in every quarter of a year at such time and place as one of Her Majesty's principal Secretaries of State shall appoint; and the chief Magistrate shall preside at the said meetings, or in his absence such one of the said Magistrates shall preside as shall be chosen by the Magistrates then present; and every one of the Magistrates belonging to the said police courts shall furnish for the use of such meeting a report of his proceedings in the execution of this Act, and each of the said Magistrates, and also the Commissioners of the Police of the Metropolis, shall furnish a report of any matters relating to the execution of this Act, or to the police of the metropolis, which they shall be desirous of bringing under the notice of the Magistrates assembled at such meeting; and the Magistrates so assembled shall take every such report into consideration; and an abstract shall be made, under the direction of the Magistrates, of all the said reports, and also a report of any matters which they, or the majority of them assembled at any such meeting, shall be desirous of bringing under the notice of the Secretary of State; and the said meeting may be adjourned from time to time for the purpose of considering the said report; and the . . . report, when made, shall be delivered to one of Her Majesty's principal Secretaries of State. . . . [Part omitted (as to delivery of abstract) rep. by the Returns to Secretary of State Act 1858,* s. 3.]

Magistrates to meet quarterly for reporting to the Secretary of State.

16. The Secretary of State may make such rules for regulating the manner of conducting the business in the said courts, and for securing uniformity therein, as shall appear to him fit to be made; and a copy of every rule made for enforcing any such regulation, signed by the Secretary of State, shall be sent to each of the said Magistrates and to the chief clerk of each of the said courts; and every rule made for such purpose as aforesaid shall be observed by the Magistrates, clerks, and officers of the said courts; and a copy of all such rules shall be laid before both Houses of Parliament within six weeks next after the commencement of each session of Parliament.

Secretary of State may make rules for conducting the business of the courts.

17. Every warrant to compel the appearance of any person, or warrant for the apprehension of any person charged with any offence, issued by any of the said Magistrates, in respect of any matter arising within the metropolitan police district, may be served or executed out of the metropolitan police district by the constable or constables to whom the same shall be directed, and shall have the same force and effect as if the same had been originally issued or subsequently endorsed by a Justice or Justices of the Peace having jurisdiction in the place where the same shall be served or executed. [See 2 & 3 Vict. c. 47, s. 13.]

Process in respect of matters arising within the metropolitan police district need not be endorsed.

18. Every summons or warrant which after the passing of this Act shall be issued by any Justice of the Peace of the counties of Middlesex, Surrey, Kent, Essex, or Hertfordshire respectively, requiring any person residing within the metropolitan police district to appear at any place without the said district to answer any information or complaint touching any matter arising within the said district, shall be utterly void, except for the purpose of enforcing payment of any rates or taxes levied within any parish or place part only of which is within the metropolitan police district. [Amended by the *Stipendiary Magistrates Act 1858*, s. 6.†]

Summons for persons to appear at any place without the limits specified in this Act, void.

* Rep. 38 & 39 Vict. c. 66 (S.L.R.).

† S. 6 of the *Stipendiary Magistrates Act 1858* (21 & 22 Vict. c. 73) is as follows: "6. So much of s. 18 of 2 & 3 Vict. c. 71 as makes void (except in the cases therein excepted) 'every summons or warrant issued by any Justice of the Peace of

Magistrates may proceed by summons, and if party summoned does not appear may issue warrant.

19. Upon any information or complaint to be laid or made before any Magistrate of the said courts of any matter which such Magistrate is authorized to hear and determine summarily, the Magistrate may summon the party charged, and if such party shall not appear according to the tenor of the summons, any one of the said Magistrates, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the nonappearance of the party, to hear and determine the case in the absence of the party, and in all criminal cases shall issue his warrant for apprehending and bringing such party before him, or some other Magistrate, in order that the said information or complaint may be heard and determined.

How summons may be served.

20. Every such summons may be served by delivering a copy of the summons to the party, or by delivering a copy of the summons to the wife or servant or some adult inmate of the family of the party at his usual place of abode, and explaining the purport thereof to such wife, servant, or inmate. [*See 2 & 3 Vict. c. 47, s. 12.*]

Warrant for apprehension may be issued without summons.

21. Every such Magistrate may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him whenever good grounds for so doing shall be stated on oath before him.

Magistrates may enforce attendance of witnesses.

22. Any such Magistrate may summon any witness to appear and give evidence before him upon the matter of any offence cognizable before such Magistrate with which any person shall be charged before him, at a time and place appointed for hearing the information or complaint, and by warrant under his hand and seal may require any person to be brought before him who shall neglect or refuse to appear to give evidence at the time and place appointed in such summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted; and such Magistrate may commit any person coming or brought before him, who shall refuse to give evidence, to any house of correction within the metropolitan police district, there to remain without bail or mainprize for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined; and in case of such submission the order of any such Magistrate shall be a sufficient warrant for the discharge of such person.

Punishment of persons giving false evidence.

23. Every person who, upon any examination upon oath or affirmation before any Magistrate acting at any one of the said courts, shall wilfully and corruptly give false evidence, or shall wilfully and corruptly swear or affirm any thing which shall be false, shall be liable to the penalties of wilful and corrupt perjury.

Persons suspected of having or conveying stolen goods

24. Every person who shall be brought before any of the said Magistrates charged with having in his possession or conveying in any manner any thing which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Magistrate how he came by the same, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not more than five pounds, or, in the discretion of the Magistrate, may be imprisoned in any gaol or house of correction within the

the counties of Middlesex, Surrey, Kent, Essex, or Hertfordshire respectively, requiring any person residing within the metropolitan police district to appear at any place without the said district to answer any information or complaint touching any matter arising within the said district, shall not apply to any such summons or warrant in respect of any matter arising within any part of the said district not assigned for the time being to any of the police courts of the metropolis."

metropolitan police district, with or without hard labour, for any time not exceeding two calendar months. [*Amended by the Stipendiary Magistrates Act 1858, s. 7.**]

25. If information shall be given on oath to any of the said Magistrates that there is reasonable cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any dwelling house or any other place, it shall be lawful for such Magistrate, by special warrant under his hand directed to any constable, to cause every such dwelling house or other place to be entered and searched at any time of the day, or by night if power for that purpose be given by such warrant : and the said Magistrate, if it shall appear to him necessary, may empower such constable, with such assistance as may be found necessary, such constable having previously made known such his authority, to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Magistrate, or to guard the same on the spot until the offenders are taken before a Magistrate, or otherwise dispose thereof in some place of safety, and moreover to take into custody and carry before the said Magistrate every person found in such house or place who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

In case of information given that there is reasonable cause for suspecting that any goods have been unlawfully obtained and are concealed.

26. When any person shall be brought before any such Magistrate charged with having or conveying any thing stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Magistrate is hereby authorized and required to cause every such person, and also, if necessary, every former or pretended purchaser, or other person through whose possession the same shall have passed, to be brought before him and examined, and to examine witnesses upon oath touching the same ; and if it shall appear to such Magistrate that any person shall have had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, every such person shall be deemed guilty of a misdemeanor, and to have had possession of such thing at the time and place when and where the same shall have been found or seized : and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who shall have employed such other person to convey the same, and shall be liable to a penalty of not more than five pounds, or, in the discretion of the Magistrate, may be imprisoned in any gaol or house of correction within the metropolitan police district, with or without hard labour, for any time not exceeding three calendar months.

Party from whom stolen goods are received to be examined by the Magistrate.

* S. 7 of the Stipendiary Magistrates Act 1858 (21 & 22 Vict. c. 73) is as follows : "7. In every case in which any person shall be brought before any Police Magistrate, or any two Magistrates acting within the said metropolitan police district, for any place within which no police court shall have been established, for any offence under s. 24 of 2 & 3 Vict. c. 71, such Police Magistrate, or such Magistrates, acting in and for such place, may hear and determine the matter, and in case of conviction may commit the offender to be imprisoned in any gaol or house of correction in and for the county, liberty or place in which such offence shall have been committed, though not within the said metropolitan police district, and with or without hard labour for any time not exceeding two calendar months, and in their discretion without the infliction of any fine in default of payment of which such imprisonment might be adjudged."

Power to order delivery of goods stolen or fraudulently obtained, and in possession of brokers and other dealers in second-hand property.

27. If any goods shall be stolen or unlawfully obtained from any person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint shall be made thereof to any of the said Magistrates, and that such goods are in the possession of any broker, dealer in marine stores, or other dealer in second-hand property, or of any person who shall have advanced money upon the credit of such goods, within the metropolitan police district, it shall be lawful for such Magistrate to issue a summons or warrant for the appearance of such broker or dealer, and for the production of the goods, and to order such goods to be delivered up to the owner thereof, either without any payment, or upon payment of such sum and at such a time as the Magistrate shall think fit; and every broker or dealer who, being so ordered, shall refuse or neglect to deliver up the goods, or who shall dispose of or make away with the same after notice that such goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the owner of the goods the full value thereof, to be determined by the Magistrate: Provided always, that no such order shall bar any such broker or dealer from recovering possession of such goods by suit or action at law from the person into whose possession they may come by virtue of the Magistrate's order, so that such action be commenced within six calendar months next after such order shall be made.

For removing doubts as to ordering the restoration of property unlawfully pawned, etc.

28. . . . It shall be lawful for any Magistrate to order that any goods unlawfully pawned, pledged, or exchanged which shall be brought before him, and the ownership of which shall be established to the satisfaction of such Magistrate, shall be delivered up to the owner by the party with whom they were so unlawfully pawned, pledged, or exchanged, either without compensation, or with such compensation to the party in question as the Magistrate may think fit. [*Part omitted (recital) rep. 53 & 54 Vict. c. 51 (S.L.R.).*]

29—30. [*Power to order delivery of stolen goods, etc., and sale of unclaimed stolen goods. Rep. by the Police (Property) Act 1897. See ibid. s. 2.*]

Power to award costs on hearing of charges.

31. It shall be lawful for any Magistrate who shall hear and determine any charge or complaint, whether or not a warrant or summons shall have been issued in consequence of such charge or complaint, to award such costs as to him shall seem meet, to be paid to or by either of the parties to the said charge or complaint.

Amends may be awarded for frivolous informations.

32. . . . In every case in which any information or complaint of any offence shall be laid or made before any of the said Magistrates, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the charge, the Magistrate shall have power to award such amends, not more than the sum of five pounds, to be paid by the informer to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate shall seem meet. [*Part omitted (recital) rep. 53 & 54 Vict. c. 51 (S.L.R.). See also the Summary Jurisdiction Act 1848, s. 18.*]

Penalty on common informers for compounding informations.

33. In case any person shall lodge any information before any of the said Magistrates for any offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the permission of one of the said Magistrates, any sum of money or other reward for compounding, delaying, or withdrawing the information, it shall be lawful for any one of the said Magistrates to issue his warrant or summons, as

he may deem best, for bringing before him the party charged with the offence of such compounding, delay, or withdrawal; and if such offence be proved by the confession of the party, or by the oath of any credible witness, such informer shall be liable to a penalty not more than ten pounds.

34. . . . Where by any Act now in force or hereafter to be passed a moiety or other fixed portion of the penalty or penalties thereby imposed is or shall be directed to be paid to the informer, not being the party aggrieved, it shall be lawful for any one of the said Magistrates before whom the conviction shall be had to adjudge that no part or such part only of the penalty as he shall think fit shall be paid to the informer. [*Part omitted (recital) rep. 53 & 54 Vict. c. 51 (S.L.R.). See also 1 & 2 Will. 4, c. 22, s. 71.*]

Power to lessen the share of informers.

35. . . . Where by any Act now in force or hereafter to be passed a limited penalty or term of imprisonment is imposed on conviction of an offender before a Justice or Justices of the Peace, it shall be lawful for any one of the said Magistrates before whom such conviction shall be had to reduce or lessen such penalty or term of imprisonment in such manner as he may think fit: Provided always, that no penalty for the infringement of any Act relating to the revenue of customs or excise, stamps or taxes, shall be reduced by any such Magistrate below the amount or proportion allowed in that behalf by the Act or Acts specially relating thereunto without the consent of the Commissioners of Customs or Excise or Stamps and Taxes respectively. [*Part omitted (recital) rep. 53 & 54 Vict. c. 51 (S.L.R.). See also the Summary Jurisdiction Act 1879, s. 4 et seq.*]

Power to mitigate penalties.

Proviso as to Revenue Acts.

36. Any one of the said Magistrates, if he shall think fit, may remand any person for further examination, or may suffer to go at large any person who shall be charged before him with any felony or misdemeanor upon his personal recognizance (with or without sureties): and every such recognizance shall be conditioned for the appearance of such person before the same or some other of the said Magistrates, for further examination, or to surrender himself to take his trial at the Central Criminal Court, or at a Court of General or Quarter Sessions, at a day and place to be therein mentioned; and the Magistrate shall be at liberty from time to time to enlarge every such recognizance to such further time as he shall appoint; and every such recognizance which shall not be enlarged shall be discharged, without fee or reward, when the party shall have appeared according to the condition thereof: Provided always, that whenever any Magistrate shall take the recognizance of any person to appear at the Central Criminal Court, or at a Court of General or Quarter Sessions, the Magistrate shall be bound to return the depositions taken in the case, and to bind over the witnesses to appear and give evidence, in like manner as if he had committed the party to take his trial at such court. [*Amended 3 & 4 Vict. c. 84, s. 9.*]

Power to remand or enlarge prisoners on recognizances.

37. All differences, complaints, and disputes which shall happen between any bargemen, lightermen, watermen, ballastmen (except Trinity ballastmen), coal-whippers, coal porters, sailors, lumpers, riggers, shipwrights, caulkers, or other labourers who work for hire in or upon the River Thames, or the docks, creeks, wharfs, quays, or places adjacent, not being in the city of London or the liberties thereof, and the owners, masters, or commanders of vessels, or their agents, on the said river, or the docks or creeks thereunto adjoining, or the owners, wharfingers, or occupiers of such wharfs or quays, or their agents or other employers, respecting wages or money due

Disputes about wages for labour done on the river, etc. (except by Trinity ballastmen) to be settled by Magistrates, provided the sum in question does not exceed 5*l.*

to such labourers for work or loss of time, whether the same persons be employed for any certain time or in any other manner, may be heard and determined by any of the said Magistrates; and every such Magistrate is hereby empowered to examine upon oath any such labourer as aforesaid, or any other witness or witnesses, touching any such complaint or dispute, and to make such order for payment of so much wages or money to such labourer as to the Magistrate shall seem just, provided that the sum ordered do not exceed five pounds, besides all reasonable costs attending the prosecution of the complaint.

Power to order compensation for wilful damage by tenants.

38. Every person who shall occupy or shall have occupied any house or lodging within the metropolitan police district as tenant thereof, and who shall wilfully or maliciously do any damage to the premises, or to any furniture thereof not being the property of such tenant or occupier, shall, upon complaint made to one of the said Magistrates within one calendar month next after the commission of the offence or the end of the tenancy or occupation, forfeit and pay such sum of money as shall appear to the Magistrate to be a reasonable compensation for the damage done, not more than the sum of fifteen pounds, to be paid to the landlord or party aggrieved. [*See also the Malicious Damage Act 1861, s. 13.*]

Power to deal summarily with cases of oppressive distresses.

39. On complaint made to any of the said Magistrates by any person who shall, within the metropolitan police district, have occupied any house or lodging by the week or month, or whereof the rent does not exceed the rate of fifteen pounds by the year, that his goods have been taken from him by an unlawful distress, or that the landlord, or his broker or agent, has been guilty of any irregularity or excess in respect of such distress, it shall be lawful for such Magistrate to summon the party complained against, and if upon the hearing of the matter it shall appear to the Magistrate that such distress was improperly taken, or unfairly disposed of, or that the charges made by the party having distrained or having attempted to distrain are contrary to law, or that the proceeds of the sale of such distress have not been duly accounted for to the owner thereof, it shall be lawful for the Magistrate to order the distress so taken, if not sold, to be returned to the tenant on payment of the rent which shall appear to be due at such time as the Magistrate shall appoint, or if the distress shall have been sold, then to order payment to the said tenant of the value thereof, deducting thereout the rent which shall so appear to be due, such value to be determined by the Magistrate: and such landlord or party complained against, in default of compliance with any such order, shall forfeit to the party aggrieved the value of such distress, not being greater than fifteen pounds, such value to be determined by the Magistrate.

Power to order delivery of goods unlawfully detained to the owner.

40. Upon complaint made to any of the said Magistrates by any person claiming to be entitled to the property or possession of any goods which are detained by any other person within the limits of the metropolitan police district, the value of which shall not be greater than fifteen pounds, and not being deeds, muniments, or papers relating to any property of greater value than fifteen pounds, it shall be lawful for such Magistrate to summon the person complained of, and to inquire into the title thereto or to the possession thereof, and if it shall appear to the Magistrate that such goods have been detained, without just cause, after due notice of the claim made by the person complaining, or that the person detaining such goods has a lien or right to detain the same by way of security for

the payment of money, or the performance of any act by the owner thereof, it shall be lawful for such Magistrate to order the goods to be delivered to the owner thereof, either absolutely or upon tender of the amount appearing to be due by such owner (which amount the Magistrate is hereby authorized to determine), or upon performance or upon tender and refusal of the performance of the act for the performance whereof such goods are detained as security, or if such act cannot be performed, then upon tender of amends for non-performance thereof (the nature or amount of which amends the Magistrate is hereby authorized to determine); and every person who shall neglect or refuse to deliver up the goods according to such order shall forfeit to the party aggrieved the full value of such goods, not greater than the sum of fifteen pounds, such value to be determined by the Magistrate: Provided always, that no such order shall bar any person from recovering possession of the goods or money so delivered or forfeited, by suit or action at law, from the person to whose possession such goods or money shall come by virtue of such order, so that such action be commenced within six calendar months next after such order shall be made.

41. If the guardians of the poor of any union or parish, or the churchwardens and overseers of the poor of any parish, within the metropolitan police district, together with the medical officer for any such parish or union, shall be of opinion, and shall certify under the hands of two or more of such guardians, churchwardens, or overseers, and also of such medical officer, that any house or part of any house within such union or parish is in such filthy and unwholesome condition that the health of the inmates or of the public is thereby affected or endangered, it shall be lawful for any Magistrate acting within the district in which such union or parish is situate, if he shall think fit, to cause notice to be affixed on the door or other conspicuous part of such house, requiring the occupier or occupiers of such house or part thereof to appear before him to answer such complaint, or to cause the same to be cleansed within seven days from the date of affixing such notice; and if within the said seven days such house or part thereof shall not be cleansed to the satisfaction of such medical officer, and if such occupier or occupiers being duly summoned shall not appear before the Magistrate, and show sufficient cause to the contrary, such Magistrate is hereby empowered, on proof thereof, to issue an order under his hand and seal to the guardians of the poor or the churchwardens and overseers aforesaid, to cause such house or part thereof to be cleansed, at the expense of such occupier or occupiers, and to cause the amount thereof to be levied, in case of nonpayment, by distress and sale of the goods and chattels of such occupier or occupiers, by warrant under the hand and seal of such Magistrate. [*See also* 54 & 55 *Vict. c. 76, s. 2, and 4 Edw. 7, c. cexliv. s. 20.*]

In case any house be in a filthy and unwholesome condition, the Magistrate may order the same to be cleansed.

42. Neither any Justice of the Peace for any of the said counties, or for the city and liberty of Westminster, or liberty of the Tower of London, not being one of the said Magistrates, nor the clerk of any such Justice, nor any person on his behalf, shall directly or indirectly, upon any pretence whatever, take any fee or recompence for any act by him or them done or to be done as Justice of the Peace or clerk as aforesaid within any part of the metropolitan police district for which a police court shall have been established under the authority of this Act, upon pain of forfeiting the sum of one hundred pounds for every such offence, one moiety thereof to the said Receiver, to

No other Justice shall take fees within the police district.

Penalty, 100*l.*

be applied to the purposes of this Act, and the other moiety thereof, with full costs of suit, to the person who shall sue for the same in any of Her Majesty's Courts of Record at Westminster; but this enactment shall not be construed to extend to any fees taken at any General or Quarter Sessions of the Peace, or at any meeting of Justices for the purpose of licensing alehouses, or for the purpose of inquiring into the legal settlement of any person applying for parochial relief, and making suspended orders of removal, or to any fees taken at any Special or Petty Sessions of the Justices in respect of business which must be transacted at such Special or Petty Sessions, or to any fees taken by any vestry clerk, or by the clerk to the overseers of any parish, for the purpose of enforcing the payment of any rates or taxes arising within the same parish.

Table of fees to be hung up.

43. Notwithstanding any thing herein-before contained, such fees as are contained in the Schedule (A.) to this Act annexed may be taken by any of the said Magistrates or by any Justice or Justices acting in any of the said courts; and a table of such fees shall be fixed in some conspicuous part of each of the said courts; and it shall be lawful for any of the said Magistrates to refuse to do any act for which any fee shall be demandable unless such fee shall be first paid; and that if any such act shall be done, and the fee due thereon shall not be paid, it shall be lawful for any of the said Magistrates to summon the person from whom such fee shall be due, and to make order for payment of the same, with the costs of the proceedings, and in default of payment to levy the same, with the costs of the distress, by warrant under his hand. [*Superseded (as to table of fees)* 60 & 61 Vict. c. 26, s. 2 (2).]

44—45. [*Proceedings before Magistrates and recovery of penalties, etc., rep. by the Summary Jurisdiction Act 1884, s. 4.*]

Accounts to be kept of fees and forfeitures received and delivered quarterly to the Receiver, and the amount thereof paid to him.

46. The Magistrates at each of the said courts shall take care that one of their clerks shall, in books to be provided for that purpose, keep a full, true, and particular account of all fees taken and received thereat, together with all penalties and forfeitures which shall have been recovered, levied, or received in pursuance of any adjudication, conviction, or order had or made thereat, or any process or warrant issuing therefrom, to which books of account the said Receiver shall at all times have free access; and the said Magistrates shall . . . cause to be delivered to the Receiver an account of all such sums received, with all proper vouchers for verifying the same, and shall cause the amount of all such sums to be paid to the Receiver, to be applied by him towards the expenses of the said courts except fines imposed upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, which shall be applied for the benefit of "The Police Superannuation Fund," and except also fees for the execution of summonses and warrants. . . . [*Parts omitted (as to quarterly accounts and application of fees)* rep. 53 & 54 Vict. c. 45, s. 36, and 60 & 61 Vict. c. 26, s. 9.]

Certain penalties and forfeitures recovered to be paid to the Receiver.

47. Where by an Act or Acts any penalties or forfeitures, or shares of penalties or forfeitures, are or shall hereafter be made recoverable in a summary manner before any Justice or Justices of the Peace, and by such Act or Acts respectively the same are or shall be limited and made payable . . . to any body corporate, or to any person or persons whomsoever, save the informer who shall sue for the same, or any party aggrieved, in every such

case the same, if recovered or adjudged before any of the said Magistrates, shall be recovered for and adjudged to be paid to the said Receiver for the time being, and not to any other person : but this enactment shall not extend to any penalties or forfeitures recovered under any Act relating to the Customs, or to trade or navigation, and sued for by the direction of the Commissioners of Her Majesty's Customs, which shall be paid to such person as the said Commissioners shall direct to receive the same. [*Words omitted ("to Her Majesty or") rep. 60 & 61 Vict. c. 26, s. 9.*]

Not to extend to penalties under Revenue Acts.

48. [*Forms of information, etc. Rep. by the Summary Jurisdiction Act 1884, s. 4.*]

49. No information, conviction, or other proceeding before or by any of the said Magistrates shall be quashed or set aside, or adjudged void or insufficient, for want of form, or be removed by certiorari into Her Majesty's Court of Queen's Bench.

Conviction, etc. not to be quashed for informality, etc.

50. In every case of summary order or conviction before any of the said Magistrates, in which the sum or penalty adjudged to be paid shall be more than three pounds, or in which the penalty adjudged shall be imprisonment for any time more than one calendar month, any person who shall think himself aggrieved by the order or conviction may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace . . . ; and it shall be lawful for the Magistrate by whom such order or conviction shall have been made to bind over the witnesses who shall have been examined, in sufficient recognizances, to attend and be examined at the hearing of such appeal, and that every such witness, on producing a certificate of his being so bound, under the hand of the Magistrate, shall be allowed compensation for his time, trouble, and expenses in attending the appeal, which compensation shall be paid, in the first instance, by the treasurer of the county, in like manner as in cases of misdemeanor under the provisions of an Act passed in the seventh year of the reign of King George the Fourth, intituled "An Act for improving the Administration of Criminal Justice in England" ; and in case the appeal shall be dismissed, and the order or conviction affirmed, the reasonable expenses of all such witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the treasurer of the county by the appellant. [*Part omitted (as to recognizances) rep. by the Summary Jurisdiction Act 1884, s. 4.*]

Appeal to Quarter Sessions.

7 G. 4. c. 64.

51. When any distress shall be made for any money to be levied by virtue of the warrant of any of the said Magistrates, the distress shall not be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, warrant of apprehension, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser from the beginning on account of any irregularity which shall be afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage by an action on the case. [*Rep. (so far as relates to a conviction or order) by the Summary Jurisdiction Act 1884, s. 4. See also the Summary Jurisdiction Act 1879, ss. 21, 39, and 43.*]

Distress not unlawful for want of form.

52. [*Plaintiff not to recover after tender of amends. Rep. 57 & 58 Vict. c. 56 (S.L.R.).*]

53. [*Limitation of actions. Rep. by the Public Authorities Protection Act 1893.**]

54. [*Commencement of Act and repeal of 3 & 4 Wm. 4, c. 19. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

This Act to be construed with 10 G. 4, c. 44, 2 & 3 Vict. c. 47.

55. This Act and an Act passed in the tenth year of the reign of King George the Fourth, intituled "An Act for improving the Police in and near the Metropolis," and also an Act passed in the present session of Parliament, intituled "An Act for further improving the Police in and near the Metropolis," shall be construed together as one Act.

Certain Provisions of this Act not to extend to the laws of customs, excise, stamps, and taxes, or post office.

56. Provided always, that in any proceedings under any Act or Acts relating to the customs, excise, stamps, taxes, or post office, nothing herein contained shall extend to prevent any penalties awarded by any one of the said Magistrates from being recovered and adjudged to be paid as if this Act had not been passed, or to give any appeal from any conviction under any such Act or Acts where such appeal is not given by the Act or Acts specially relating thereunto.

57. [*Act may be amended this session. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

SCHEDULE (A). [*Table of Fees. Superseded 60 & 61 Vict. c. 26, s. 2 (2).*]

SCHEDULE (B). [*Forms of Information and Conviction. Rep. 51 & 52 Vict. c. 57 (S.L.R.).*]

3 & 4 VICTORIA. A.D. 1840.

CHAPTER 84.

AN ACT FOR BETTER DEFINING THE POWERS OF JUSTICES WITHIN THE METROPOLITAN POLICE DISTRICT. [7th August 1840.]

[*Preamble, reciting 2 & 3 Vict. c. 47, ss. 75, 76, rep. 53 & 54 Vict. c. 51 (S.L.R.).*]

1. [*Repeal in part of 2 & 3 Vict. c. 47, ss. 75, 76. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Queen in Council may constitute police court divisions, and define and alter their extent and number.

2. It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time to constitute within the metropolitan police district so many police court divisions as to Her Majesty shall seem fit, and to define the extent thereof, and from time to time to alter the number and extent of such police court divisions, and to assign a division to each of the police courts already established, and to establish a police court for each of the other divisions: Provided always, that nothing in this Act contained shall be construed to restrain the Police Magistrates appointed to the said courts from acting in all places within the limits of their commissions as fully in all respects as if this Act had not been made; and be it further provided, that there shall not be more than twenty-seven Magistrates appointed to execute the duties of Justices of the Peace at the said courts. [See 2 & 3 Vict. c. 71, ss. 1 & 2.]

Limiting number of magistrates.

* See Appendix.

3. [*Recital of 2 & 3 Vict. c. 71, s. 12.*] . . . So much of the last-recited Act as requires the daily attendance of one of the said Magistrates at each of the said courts shall be taken to apply only to the police courts now established in Bow Street, and in the parishes of Saint Margaret Westminster, Saint James Westminster, Saint Marylebone, Saint Andrew Holborn, Saint Leonard Shoreditch, Saint Mary Whitechapel, and Saint John of Wapping, in the county of Middlesex, and Saint Saviour in the county of Surrey, and shall continue to apply to the said courts, wheresoever they may from time to time be holden or removed to within the metropolitan police district. [*Part omitted (as to recital) rep. 53 & 54 Vict. c. 51 (S.L.R.).*]

So much of 2 & 3 Vict. c. 71. as requires the daily attendance of a Police Magistrate at the courts to apply only to those courts already established.

4. It shall be lawful for Her Majesty, if she shall think fit, with the advice of her Privy Council, to order that a Police Magistrate or Magistrates shall attend regularly at any police court or courts hereafter to be established, either daily or on such days and times as Her Majesty, by the advice aforesaid, shall order: and it shall be lawful for Her Majesty, from time to time, with the advice aforesaid, to alter or rescind any such order.

Police Magistrates may be ordered to attend at other courts.

5. Every Order in Council, either for constituting or altering a police court division, or for assigning a division to the police courts already established, or for establishing or removing a police court, or for ordering the regular attendance of a Police Magistrate or Magistrates at any police court or courts, or for altering or rescinding any such order, shall be published in the *London Gazette*, and shall take effect from the time appointed for that purpose by the said order.

Orders in Council to be published in the *Gazette*.

6. Any two Justices of the Peace having jurisdiction within the metropolitan police district shall have, while sitting together publicly in the court or room used for holding Special or Petty Sessions of the Peace in any part of the said district within the limits of their commission, except in the divisions to be assigned to the police courts already established, and any two Justices of the Peace for the city of London and the liberties thereof, having jurisdiction within the city of London and the liberties thereof, shall within the said city of London and the liberties thereof have all the powers, privileges, and duties which any one Magistrate of the said police courts has while sitting in one of the said courts by the two recited Acts of the last session of Parliament or either of them: Provided always, that whenever a new police court shall have been established within the metropolitan police district, and a division assigned to such court as aforesaid, such Justices shall not act in that division, in the execution of the two said Acts or either of them, elsewhere than at such Court: and that at every police court at which the regular attendance of a Police Magistrate shall have been ordered by Her Majesty as herein-before provided the Police Magistrate while present in such Court shall act as the sole Magistrate thereof.

Any two Justices may act with the authority of a Police Magistrate.

Proviso.

7. So much of the last-recited Act as provides that no clerk in any of the police courts shall hold or have any other office or employment whatsoever, except as therein excepted, shall be taken to apply only to the police courts now established. [*See 2 & 3 Vict. c. 71, s. 5.*]

Application of recited Act as to the employment of clerks.

8. Every recognizance taken at any station house of the Metropolitan Police Force situated in a division in which a Police

Form of recognizance.

information,
and conviction.

Magistrate is not in daily attendance shall be conditioned for the appearance of the person thereby bound before the Magistrate or Justices acting in the division, at his or their next sitting; and every such recognizance shall be returned to the Magistrate or Justices present at the time and place where the party is bound to appear. . . . [*Part omitted (as to forms in schedule) rep. by the Summary Jurisdiction Act 1884, s. 4.*]

Extension of
power to en-
large pri-
soners on
recogni-
ance.

9. Whenever any person shall be charged before any Police Magistrate or before any two Justices, at any police court within the metropolitan police district, with any felony or misdemeanor for which he is liable to be committed to take his trial at the Assizes to be holden for any of the counties of Essex, Hertford, Kent, or Surrey, it shall be lawful for such Police Magistrate or for such Justices, if he or they respectively shall think fit, to suffer such person to go at large upon a recognizance conditioned for surrendering himself to take his trial at such Assizes, in like manner as such recognizance may be taken for his surrender to take his trial at the Central Criminal Court, in cases where he is liable to be committed for trial at the Central Criminal Court; and every such recognizance shall be within all the provisions of the last-recited Act relating to recognizances for surrendering to be tried at the Central Criminal Court. [*See 2 & 3 Vict. c. 71, s. 36.*]

Militia bal-
lotting lists
to be made
out by police
constables.

42 G. 3. c. 90.

10. All proceedings within the metropolitan police district relating to the serving of notices, and the procuring and making out of the returns of the persons liable to serve in the Militia, and the preparing and making out of the lists of the persons liable to be ballotted for the Militia, and all other things, by an Act passed in the forty-second year of the reign of King George the Third, intituled "An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia," or by any other Act relating to the Militia, directed to be done by the high and other constables for the time being, shall be done within the said district by the constables of the Metropolitan Police Force, or by such of them as shall be from time to time specially appointed for that purpose by the Commissioners of Police. [*Rep. (so far as it relates to returns and lists under the Militia Act 1832) 37 & 38 Vict. c. 96 (S.L.R.).*]

Penalty for
obtaining
money by
threatening
information.

11. Any person who shall obtain any sum of money or other reward from any person within the metropolitan police district by threatening directly or indirectly to lodge any information or make any complaint before any Magistrate, Justice or Justices, for any misdemeanor, or as an inducement for forbearing to lay such information or make such complaint, shall, on conviction of the offence before one of the Police Magistrates, or before any two Justices of the Peace, either by his own confession or by the oath of any credible witness, be liable to a penalty not more than ten pounds.

12. [*Appeal to the Police Magistrates from proceedings at the leet concerning weights and measures. Not now applicable to London. See the Weights and Measures Act 1889, s. 16.**]

* S. 16 of the Weights and Measures Act 1889 is as follows: "16. . . . The inspectors of weights and measures appointed by the London County Council shall alone within the whole of the county of London, exclusive of the city of London, have the powers and discharge the duties of inspectors of weights and measures appointed under the principal Act. . . ."

13. None of the Police Magistrates within the metropolitan police district shall be required to go upon any deserted lands, tenements, or hereditaments, for the purpose of viewing the same or affixing any notices thereon, or of putting the landlord or landlords, lessor or lessors into the possession thereof, under the provisions of an Act passed in the eleventh year of the reign of King George the Second, intituled "An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants," or of an Act passed in the fifty-seventh year of the reign of King George the Third, for altering the last-recited Act, but in every case within the metropolitan police district, in which by the said Acts or either of them two Justices are authorized to put the landlord or lessor into the possession of such deserted premises, it shall be lawful for one of the Police Magistrates, upon the request of the lessor or landlord, or his or her bailiff or receiver, made in open court, and upon proof given to the satisfaction of such Magistrate of the arrear of rent and desertion of the premises by the tenant as aforesaid, to issue his warrant, directed to one of the constables of the Metropolitan Police Force, requiring him to go upon and view the premises, and to affix thereon the like notices as under the said Acts or either of them are required to be affixed by two Justices of the Peace; and upon the return of the warrant, and upon proof being given to the satisfaction of the Magistrate before whom the warrant shall be returned that it has been duly executed, and that neither the tenant nor any person on his or her behalf has appeared and paid the rent in arrear, and that there is not sufficient distress upon the premises, it shall be lawful for such Magistrate to issue his warrant to a constable of the Metropolitan Police Force, requiring him to put the landlord or lessor into the possession of the premises; and every constable to whom any such warrant shall be directed shall duly execute and return the same, subject to the provisions contained in an Act passed in the last session of Parliament, intituled "An Act for further improving the Police in and near the Metropolis," as to the execution of warrants directed to constables of the Metropolitan Police Force; and upon the execution of such second warrant the lease of the premises to such tenant, as to any demise therein contained only, shall thenceforth be void.

Giving possession of deserted premises.

11 G. 2. c. 19.

57 G. 3. c. 52.

2 & 3 Vict. c. 47.

14. [*Horse and foot patrol and Thames Police within superannuation provisions.* Rep. 37 & 38 Vict. c. 96 (S.L.R.).]

15. Any two Justices of the Peace for the city of London and the liberties thereof, having jurisdiction within the city of London and the liberties thereof, shall, within the said city of London and the liberties thereof, have all the powers, privileges, and duties which any two Justices of the Peace having jurisdiction within the metropolitan police district have within the metropolitan police district by virtue of this Act.

London Justices to have same powers as metropolitan Justices.

16. [*Act may be amended.* Rep. 37 & 38 Vict. c. 96 (S.L.R.).]

SCHEDULE. [*Forms of information and conviction.* Rep. by the *Summary Jurisdiction Act 1884*, s. 4.]

6 & 7 VICTORIA. A.D. 1843.

CHAPTER 86.

AN ACT FOR REGULATING HACKNEY AND STAGE CARRIAGES IN AND NEAR LONDON. [22nd August 1843.]

[*Preamble rep. 54 & 55 Vict. c. 67 (S.L.R.).*]

1. [*Repeal of 1 & 2 Vict. c. 79. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Meaning of certain words used in this Act.

2. The words herein-after mentioned, which in their usual signification have a more confined or different meaning, shall in this Act (except where the nature of the provisions or the context of the Act shall exclude such construction) be interpreted as follows; (that is to say,) the words "hackney carriage" shall include every carriage (except a stage carriage,) which shall stand on hire or ply for a passenger for hire at any place within the limits of the city of London and the liberties thereof, and metropolitan police district; and the words "metropolitan stage carriage" shall include every stage carriage except such as shall on every journey go to or come from some town or place beyond the limits aforesaid; and the word "proprietor" shall include every person who, either alone or in partnership with any other person, shall keep any hackney carriage or any metropolitan stage carriage, or who shall be concerned otherwise than as a driver or attendant in employing for hire any hackney carriage or any metropolitan stage carriage; and the word "conductor" shall include every director or other person, except the driver, who shall attend upon the passengers in any metropolitan stage carriage; . . . and the word "passenger" shall include every person carried by any hackney carriage, or by any metropolitan stage carriage, except one driver, and, where there shall be a conductor to such metropolitan stage carriage, one conductor; and the word "horse" shall include every mare and gelding; and every word importing the singular number only shall extend and be applied to several persons and things as well as to one person or thing; and every word importing the masculine gender only shall extend to a female as well as to a male. [*Part omitted (definition of watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.) See also 32 & 33 Vict. c. 115, ss. 4 & 5.*]

Certain provisions of 1 & 2 W. 4. c. 22, extended to this Act.

3. So much of an Act passed in the second year of the reign of His late Majesty, intituled "An Act to amend the Laws relating to Hackney Carriages, and to Waggon, Carts, and Drays used in the Metropolis"; . . . as relates to hackney carriages . . . , and not hereby repealed, . . . shall extend and apply to hackney carriages . . . within the meaning of this Act. . . . [*Parts omitted (as to five miles limit, collection of duties, and watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.), and 54 & 55 Vict. c. 67 (S.L.R.).*]

Title and place of abode of a peer of the realm painted on any carriage, etc. to be deemed a compliance with the provisions of the Act.

4. And whereas by the said recited Act passed in the reign of his late Majesty it was enacted, that the owner of every waggon, cart, car, dray, or other carriage should, before any such carriage should be driven or used in any public street or road, within the distance of five miles from the General Post Office in the city of London, paint or cause to be painted in words at full length, and in one or more straight line or lines, upon some conspicuous place on the right or off side of every such carriage, clear of the wheel or wheels thereof, or upon the right or off-side shaft thereof, the true

Christian name and surname and place of abode of the owner, or, if there be more than one, of the principal owner of such carriage, in the manner in such Act directed: in all cases where the owner of any such carriage shall be a Peer of the Realm, or shall be known or usually designated by some title of rank, it shall be deemed to be a compliance with the provisions of the aforesaid Act that the title only and place of abode of such Peer or other person shall be painted in the manner therein described upon any such waggon, wain, cart, or other carriage. [*See 1 & 2 Will. 4, c. 22, s. 59.*]

5—6. [*As to registrar and other officers, and salaries. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

7. The proprietor of every metropolitan stage carriage shall keep distinctly painted, both on the outside and inside of the same, in such a manner and in such a position as shall from time to time be directed by the *registrar, the words "metropolitan stage carriage," or such other words as the *registrar shall direct . . . ; and shall also, on the inside of every such carriage, keep distinctly painted in a conspicuous manner a table of fares to be demanded of passengers by such carriage; and the fares therein specified shall be deemed to be the only lawful fares, and may be recovered by the driver or conductor, as in the case of hackney carriages, in a summary way, before any Justice of the Peace; and every proprietor making default in the premises shall forfeit the sum of twenty shillings for every offence. [*Part omitted (as to Stamp Office plate) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Particulars to be painted on metropolitan stage carriages.

8. It shall be lawful for the *registrar to grant a licence to act as driver of hackney carriages, or as driver or as conductor of metropolitan stage carriages, . . . (as the case may be,) to any person who shall produce such a certificate as shall satisfy the said *registrar of his good behaviour and fitness for such situation respectively: Provided always, that no person shall be licensed as such driver as aforesaid who is under sixteen years of age; and in every such licence shall be specified the number of such licence, and the proper name and surname, and place of abode, and age, and a description of the person to whom such licence shall be granted . . . ; and every such licence shall bear date on the day on which the same shall be granted . . . ; and on every licence of a driver or conductor the *registrar shall cause proper columns to be prepared, in which every proprietor employing the driver or conductor named in such licence shall enter his own name and address, and the days on which such driver or conductor shall enter and shall quit his service respectively; and in case any of the particulars entered or endorsed upon any licence in pursuance of this Act shall be erased or defaced every such licence shall be wholly void and of none effect; and the said *registrar shall, at the time of granting any licence, deliver to the driver, conductor, . . . to whom the same shall be granted an abstract of the laws in force relating to such driver, conductor, . . . and of the penalties to which he is liable for any misconduct, and also a metal ticket, upon which there shall be marked or engraved his office or employment, and a number corresponding with the number which shall be inserted in such licence. [*Parts omitted (as to duration of licence, and watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Registrar to grant licences.

At the time of granting any licence an abstract of the laws and a ticket to be given.

9. [*Stamp duty on licence. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Penalty on persons acting as drivers, etc. without licences and tickets, 57.;

on proprietors suffering drivers or conductors so to do, 107.

10. It shall not be lawful for any person to act as driver of any hackney carriage, or as driver or conductor of any metropolitan stage carriage, whether such person shall or shall not be the proprietor of such carriage, . . . within the limits of this Act, unless in each case such person shall have a licence so to do, and a numbered ticket granted to him under the authority of this Act, and remaining in force; and every person who shall act as such driver or conductor . . . without such licence and ticket, . . . and also every person to whom a licence and ticket shall have been granted, who shall, except in compliance with the provisions of this Act, transfer or lend such licence, or permit any other person to use or wear such ticket, shall for every such offence forfeit the sum of five pounds; and every proprietor who shall knowingly suffer any person not duly licensed under the authority of this Act to act as driver of any hackney carriage, or as driver or as conductor of any metropolitan stage carriage, of which he shall be the proprietor, shall for every such offence forfeit the sum of ten pounds: Provided always, that nothing herein-before contained shall subject to any penalty any proprietor who shall employ any unlicensed person to act as such driver or conductor as aforesaid for any time not exceeding twenty-four hours, or any unlicensed person who shall be so employed for the said time, upon proof being adduced by the proprietor, to the satisfaction of the Justice of the Peace before whom such proprietor, driver, or conductor shall be required to attend to answer for such offences respectively, that such employment was occasioned by unavoidable necessity; and that every proprietor who shall so employ such unlicensed driver or conductor, and every such unlicensed driver or conductor, shall be subject to all the powers, provisions, and proceedings of and under this Act or the said recited Act of His late Majesty for any act done by such driver or conductor during such employment, in like manner as if such driver or conductor had been duly licensed. [*Parts omitted (as to watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.). See also 32 & 33 Vict. c. 115, s. 8.*]

11—13. [*As to watermen. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Persons applying for licences to sign a requisition for the same.

14. Before any such licence as aforesaid shall be granted a requisition for the same, in such form as the said *registrar shall from time to time appoint for that purpose, and accompanied with such certificate as herein-before is required, shall be made and signed by the person by whom such licence shall be required; and in every such requisition all such particulars as the *registrar shall require shall be truly set forth; and every person applying for or attempting to procure any such licence who shall make or cause to be made any false representation in regard to any of the said particulars, or who shall endeavour to obtain a licence by any forged recommendations, or who shall not truly answer all questions which shall be demanded of him in relation to such application for a licence, and also every person to whom reference shall be made who shall, in regard to such application, wilfully and knowingly make any misrepresentation, shall forfeit for every such offence the sum of five pounds; and it shall be lawful for the *registrar to proceed for recovering of such penalty before any Magistrate at any time within one calendar month after the commission of

* See footnote on s. 7.

the offence, or during the currency of the licence so improperly obtained.

15. As often as any driver or conductor . . . shall change his place of abode he shall give notice thereof in writing, signed by him, to the said *registrar, specifying in such notice his new place of abode, and shall at the same time produce his licence to the said *registrar, who shall endorse thereon a memorandum specifying the particulars of such change; and every driver, conductor, . . . who shall change his place of abode, and shall neglect for two days to give notice of such change, and to produce his licence in order that such memorandum as aforesaid may be endorsed thereon, shall forfeit for every such offence the sum of twenty shillings; and it shall be lawful for the *registrar, or for any person employed by him for that purpose, to sue for such penalty at any time during the currency of such licence. . . . [*Parts omitted (as to account by proprietor, and watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Notice to be given by drivers, conductors, and watermen of any change of abode.

16. The particulars of every licence which shall be granted as aforesaid shall be entered in books to be kept for that purpose at the office of the said *registrar; and in all courts, and before any Justice of the Peace, and upon all occasions whatsoever, a copy of any entry made in any such book, and certified by the person having the charge thereof to be a true copy, shall be received as evidence, and be deemed sufficient proof of all things therein registered, without requiring the production of the said book, or of any licence, or of any requisition or other document upon which any such entry may be founded; and every person applying at all reasonable times shall be furnished with a certified copy of the particulars respecting any licensed person without payment of any fee.

Particulars of licences to be entered in a book at the *registrar's office.

17. Every licensed driver, conductor, . . . shall at all times during his employment, and when he shall be required to attend before any Justice of the Peace, wear his ticket conspicuously upon his breast, in such manner that the whole of the writing thereon shall be distinctly legible; and every driver, conductor, . . . who shall act as such, or who shall attend when required before any Justice of the Peace, without wearing such ticket in manner aforesaid, or who, when thereunto required, shall refuse to produce such ticket for inspection, or to permit any person to note the writing thereon, shall for every such offence forfeit the sum of forty shillings. [*Parts omitted (as to watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Tickets to be worn by drivers.

18. Upon the expiration of any licence granted under this Act the person to whom such licence shall have been granted shall deliver such licence and the ticket relating thereto to the said *registrar; and every such person who, after the expiration of such licence, shall wilfully neglect for three days to deliver the same to the said *registrar, and also every person who shall use or wear or detain any ticket, without having a licence in force relating to such ticket, or who shall for the purpose of deception use or wear or have any ticket resembling or intended to resemble any ticket granted under the authority of this Act, shall for every such offence forfeit the sum of five pounds; and it shall be lawful for the *registrar, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his

Licences and tickets to be delivered up on the discontinuance of licences.

* See footnote on s. 7.

licence or ticket at any period within twelve calendar months after the expiration of the licence : and it shall be lawful for any constable or peace officer, or any person employed for that purpose by the *registrar, to seize and take away any such ticket, wheresoever the same may be found, in order to deliver the same to the said *registrar.

New tickets
to be
delivered
instead of
defaced or
lost tickets.

19. Whenever the writing on any ticket shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any ticket shall be proved to the satisfaction of the said *registrar to have been lost or mislaid, the person to whom the licence relating to any such ticket shall have been granted shall deliver such ticket (if he shall have the same in his possession), and shall produce such licence to the said *registrar, and such person shall then be entitled to have a new ticket delivered to him, upon payment, for the use of Her Majesty, of such sum of money, not exceeding three shillings, as the *registrar shall from time to time appoint : Provided always, that if any ticket which shall have been proved, as aforesaid, or represented to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the said *registrar ; and every person into whose possession any such ticket, as last aforesaid, shall be or come, who shall refuse or neglect for three days to deliver the same to the said *registrar, and also every person licensed under the authority of this Act who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall for every such offence forfeit the sum of forty shillings.

Forgery of
licence or
ticket, or
knowingly
uttering a
forged licence
or ticket, a
misdemeanor.

20. Every person who shall forge or counterfeit, or who shall cause or procure to be forged or counterfeited, any licence or ticket by this Act directed to be provided for the driver of a hackney carriage, or for the driver or the conductor of a metropolitan stage carriage, . . . and also every person who shall sell or exchange, or expose to sale, or utter, any such forged or counterfeited licence or ticket, and also every person who shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have or be possessed of such forged or counterfeited licence or ticket, knowing such licence or ticket to be forged or counterfeited, and also every person knowingly and wilfully aiding and abetting any person in committing any such offence as aforesaid, shall be guilty of a misdemeanor, and, being thereof convicted, shall be liable to be punished by fine or imprisonment, or by both, such imprisonment to be in the common gaol or house of correction, and either with or without hard labour, as the Court shall think fit ; and it shall be lawful for any person to detain any such licence or ticket, or for any constable or peace officer, or any person employed for that purpose by the said *registrar, to seize and take away any such licence or ticket, in order that the same may be produced in evidence against such offender, or be disposed of as the said *registrar shall think proper. [*Part omitted (as to watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Proprietor to
retain the
licence of
drivers or
conductors

21. Every proprietor of a hackney carriage and of every metropolitan stage carriage, who shall permit or employ any licensed person to act as the driver or conductor thereof, shall require to be delivered to him, and shall retain in his possession, the licence of

* See footnote on s. 7.

such driver or conductor while such driver or conductor shall remain in his service; and in all cases of complaint where the proprietor of a hackney carriage or of a metropolitan stage carriage shall be summoned to produce the driver or conductor of such carriage before a Justice of the Peace, he shall also produce the licence of such driver or conductor, if at the time of receiving the summons such driver or conductor shall be in his service; and if any driver or conductor complained of shall be adjudged guilty of the offence alleged against him, the Justice of the Peace before whom he shall be convicted shall in every case endorse upon the licence of such driver or conductor the nature of the offence, and the amount of the penalty inflicted; and every proprietor who shall neglect to require to be delivered to him, and to retain in his possession, the licence of any driver or conductor during such period as such driver or conductor shall remain in his service, or who shall refuse or neglect to produce such licence as aforesaid, shall for every such offence forfeit the sum of three pounds.

22. It shall be lawful for any Justice of the Peace to hear and determine all matters of complaint between any proprietor of a hackney carriage or metropolitan stage carriage and the driver or conductor of the same respectively, and to order payment of any sum of money that shall appear to be due to either party for wages or for the earnings in respect of any such carriage, or on account of any deposit of money, and to order compensation to the proprietor in respect of damage or loss which shall have arisen through the neglect or default of any driver or conductor to the property of his employer intrusted to his care, or in respect of any sum of money which such proprietor may have been lawfully ordered by a Justice of the Peace to pay, and which has been actually paid pursuant to such order, on account of the negligence or wilful misconduct of his driver or conductor, and to order such compensation to either party in respect of any other matter of complaint between them as to such Justice shall seem proper.

23. Provided always, that it shall not be lawful, either in any court of law or before any Justice of the Peace, to enforce the payment of any sum of money claimed from any driver or conductor by any proprietor on account of the earnings of any hackney carriage or metropolitan stage carriage, unless under an agreement in writing, which shall have been signed by such driver or conductor in the presence of a competent witness; and no such agreement shall be liable to any stamp duty.

24. When any licensed driver or conductor shall leave the service of any proprietor, such proprietor shall, upon demand thereof, return to him his licence: Provided always, that if the said proprietor shall have any complaint against the said driver or conductor it shall be lawful for such proprietor to retain the licence for any time not exceeding twenty-four hours after the demand thereof, and within that time to apply to the police court of the district in which the said proprietor shall dwell, or if he shall dwell in the city of London or the liberties thereof, then to some Justice of the said city, for a summons against him; and the said proprietor, at the time of applying for the summons, shall deposit the licence with the clerk of such police court or Justice; and in case any proprietor, who, upon demand thereof, shall have refused or neglected to deliver to any driver or conductor his licence, shall not within

employed by him, and produce them in case of complaint.

Magistrates to hear and determine disputes.

Agreements between drivers, etc. and proprietors to be in writing.

Proceedings with respect to licences on quitting service.

twenty-four hours, exclusive of Sunday or any day on which the police court shall not sit, apply for such summons, and deposit the licence as aforesaid, or shall not appear to prosecute his complaint at the time mentioned in the summons, it shall be lawful for such driver or conductor to apply at the same police court, or to some Justice as aforesaid, for a summons against such proprietor; and upon hearing and deciding the case the Justice, if he shall think there was no just cause for detaining the licence, or that there has been needless delay on the part of the proprietor in bringing the matter to a hearing, shall have power to order the said proprietor to pay such compensation to the said driver or conductor as the said Justice shall think reasonable; and payment of such compensation shall be enforced in the same manner as any penalty may be enforced under this Act by such Justice; and the Justice shall cause the licence to be delivered to the said driver or conductor, unless any misconduct shall be proved against him, by reason whereof the Justice shall think that such licence should be revoked or suspended; and so long as any proprietor shall neglect to apply for such summons and deposit the licence, after demand thereof, any Justice of the Peace may in like manner from time to time order compensation to be paid by him to the same driver or conductor; and no proprietor shall, under any pretence or by virtue of any claim whatever, retain beyond the time aforesaid the licence of his driver or conductor.

Licences may
be revoked or
suspended.

25. It shall be lawful for any Justice of the Peace before whom any driver, conductor, . . . shall be convicted of any offence, whether under this Act or any other Act, if such Justice in his discretion shall think fit, to revoke the licence of such driver, conductor, . . . and also any other licence which he shall hold under the provisions of this Act, or to suspend the same for such time as the Justice shall think proper, and for that purpose to require the proprietor, driver, conductor, . . . in whose possession such licence and the ticket thereunto belonging shall then be to deliver up the same; and every proprietor, driver, conductor, . . . who, being so required, shall refuse or neglect to deliver up such licence and any such ticket, or either of them, shall forfeit, so often as he shall be so required and refuse or neglect as aforesaid, the sum of five pounds; and the Justice shall forthwith send such licence and ticket to the *registrar, who shall cancel such licence if it has been revoked by the Justice, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such licence, with the ticket, to the person to whom it was granted. [*Parts omitted (as to watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

26. [*Hackney carriage plates may be seized where licence discontinued, etc. Rep. by the Revenue Act 1869, s. 39.*]

No person to
act as driver
of any
carriage
without the
consent of the
proprietor.

27. Every driver or conductor authorized by any proprietor to act as driver of any hackney carriage, or as driver or conductor of any metropolitan stage carriage, who shall suffer any other person to act as driver of such hackney carriage, or as driver or conductor of such metropolitan stage carriage, without the consent of the proprietor thereof, and also every person, whether duly licensed or not, who shall act as driver or as conductor of any such carriage without the consent of the proprietor thereof, shall forfeit the sum of forty shillings; and every driver or conductor charged with such

* See footnote on s. 7.

offence, who, when required by a Justice of the Peace so to do, shall not truly make known the name and place of abode of the person so suffered by him to act as driver or conductor without the consent of the proprietor, and also the number of the ticket of such person (if licensed), shall be liable to a further penalty of forty shillings; and it shall be lawful for any police constable, without any warrant for that purpose, to take into custody any person unlawfully acting as a driver or as a conductor . . . , and to convey him before any Justice of the Peace, to be dealt with according to law, and also, if necessary, to take charge of the carriage and every horse in charge of such person, and to deposit the same in some place of safe custody until the same can be applied for by the proprietor. [*Part omitted (as to watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

28. Every driver of a hackney carriage, or driver or conductor of a metropolitan stage carriage, who shall be guilty of wanton or furious driving, or who by carelessness or wilful misbehaviour shall cause any hurt or damage to any person or property being in any street or highway, and also every driver, conductor, . . . who during his employment shall be drunk, or shall make use of any insulting or abusive language, or shall be guilty of any insulting gesture or any misbehaviour, shall for every such offence forfeit the sum of three pounds; or it shall be lawful for the Justice before whom such complaint shall be brought, if in his discretion he shall think proper, instead of inflicting such penalty, forthwith to commit the offender to prison for any period not exceeding two calendar months, with or without hard labour, as the Justice shall direct: and in every case where any such hurt or damage shall have been caused the Justice, upon the hearing of the complaint, may adjudge, as and for compensation to any party aggrieved as aforesaid, a sum not exceeding ten pounds, and may order the proprietor of the hackney carriage or metropolitan stage carriage, the driver or conductor of which shall have caused such hurt or damage, forthwith to pay such sum, and also such costs as shall have been incurred, and payment thereof may be enforced against such proprietor as any penalty or sum of money may be recovered under and by virtue of this Act; and any sum which shall be so paid by the proprietor shall in like manner be recovered in a summary way before a Justice of the Peace from the driver or conductor through whose default such sum shall have been paid, upon proof of the payment thereof, pursuant to the order of the Justice, or it shall be lawful for the Justice in the first instance to adjudge the amount of such compensation to be paid by such driver or conductor to the party aggrieved. [*Part omitted (as to watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.). See also the Highway Act 1835, s. 78, and 2 & 3 Vict. c. 47, s. 54.*]

Punishment
for furious
driving, and
wilful
misbehaviour.

29. It shall be lawful for the Commissioners of Police of the Metropolis from time to time . . . to make regulations for enforcing order at the places at which metropolitan stage carriages shall call or ply for passengers, and for fixing the time during which each such carriage shall be allowed to remain at any such place; and . . . every driver or conductor of a metropolitan stage carriage, who shall wilfully disregard or not conform himself to such regulations, shall for every such offence forfeit the sum of forty shillings. [*Parts omitted (as to standings and hackney carriage drivers) rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

Standings
for hackney
carriages to
be appointed.

Standings to be in the centre of streets.

30. No standing shall be appointed for hackney carriages, either within the metropolitan police district or within the city of London, by virtue of this Act or of any other Act, except in the centre part of the street, unless in the case of a street with houses only on one side of such street. [See also 13 & 14 Vict. c. 7, s. 4; 32 & 33 Vict. c. 115, s. 9 (2).]

Hackney carriages not to ply opposite General Post Office.

31. Nothing herein or in any other Act contained shall be deemed or construed to authorize any hackney carriage to stand or ply for hire opposite to the General Post Office in Saint Martins le Grand, London, or any part thereof. [See 1 Vict. c. 36, s. 8.]

Lord Mayor and aldermen to make regulations with respect to carriages, etc. in the city and the borough.

32. It shall be lawful for the Court of Mayor and Aldermen of the city of London, within the city of London and the liberties thereof, and the borough of Southwark, to make regulations for enforcing order at the places at which metropolitan stage carriages shall call or ply for passengers, and for fixing the time during which each such carriage shall be allowed to remain at any such place; and every driver or conductor of a metropolitan stage carriage who shall wilfully disregard or not conform himself to such regulations shall forfeit the sum of forty shillings.

Penalty on drivers of hackney carriages or drivers or conductors of metropolitan stage carriages, for loitering or causing any obstruction, or plying for hire by making any noise, etc.

33. Every driver of a hackney carriage who shall ply for hire elsewhere than at some standing or place appointed for that purpose, or who by loitering or by any wilful misbehaviour shall cause any obstruction in or upon any public street, road, or place, and also every driver or conductor of any metropolitan stage carriage who by loitering or any wilful misbehaviour shall cause any obstruction in or upon any public street, road, or place, or shall improperly delay such carriage on any journey, or wilfully deceive any person in respect to the route or destination thereof, or who shall refuse to admit and carry at the lawful fare any passenger for whom there is room, and to whose admission no reasonable objection is made, or who shall demand more than the legal fare for any passenger, or who, for the purpose of taking up or setting down a passenger, or except in case of accident or other unavoidable necessity, shall stop such carriage opposite to the end of any street, or upon any place where foot passengers usually cross the carriageway, or who shall ply for hire or passengers by blowing a horn, or by using any other noisy instrument within the limits of the metropolis as defined by the said Act of the second year of the reign of His late Majesty, and every conductor of a metropolitan stage carriage who shall allow any person beside himself to ride upon the steps or in the place provided for him, and every driver of a hackney carriage, whether hired or unhired, allowing any person besides himself, not being the hirer or a person employed by such hirer, to ride on the driving box, and every driver or conductor of any metropolitan stage carriage who shall smoke whilst acting in such capacity after an objection taken by any person riding in or upon such carriage, shall for every such offence forfeit the sum of twenty shillings.

34. [*Property left in stage carriages.* Rep. 37 & 38 Vict. c. 96 (S.L.R.).]

Proprietors may be summoned to appear, and to produce the driver or conductor.

35. When any complaint shall be made before any Justice of the Peace against the driver of any hackney carriage, or the driver or the conductor of any metropolitan stage carriage, for any offence committed by him against the provisions of this Act, or of the recited Act of His late Majesty, or of any order or regulations made in pursuance of this Act, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the proprietor of such

carriage to produce before him, or such other Justice of the Peace as shall be then present, the driver or conductor by whom such offence was committed, to answer such complaint; and in case such proprietor, after being duly summoned, shall fail to produce the driver or conductor, it shall be lawful for the Justice of the Peace before whom such driver or conductor should be produced (if he shall think fit) to proceed, in the absence of such driver or conductor, to hear and determine the case in the same manner as if he had been produced, and to adjudge payment by the proprietor of any penalty or sum of money and costs in which the driver shall be convicted; and any sum of money which shall be so paid by the proprietor shall be recovered in a summary way from the driver or conductor by whose default such sum shall have been paid, upon proof of payment thereof, pursuant to the order of the Justice, and upon proof of service of the notice herein-after mentioned: Provided always, that if the Justice of the Peace shall deem it proper, it shall be lawful for him when such proprietor shall fail to produce his driver or conductor, without any satisfactory excuse to be allowed by such Justice, to impose a fine of forty shillings upon such proprietor, and so from time to time as often as he shall be summoned in respect of such complaint until he shall produce his driver and conductor; and every proprietor so summoned to produce his driver or conductor shall cause to be given to such driver or conductor, or to be left at the abode specified in his licence, or (if such licence shall expire after the offence committed and before the hearing of the complaint) at his usual place of abode, a written notice of the time and place when and where such driver or conductor shall be required to attend; and if such driver or conductor shall not attend according to such notice, it shall be lawful for a Justice of the Peace to issue a warrant for his apprehension, and if after such notice any driver or conductor shall, without a reasonable excuse to be allowed by the Justice, neglect or refuse to attend at the time and place therein mentioned, or (having previously left the service of the proprietor so summoned as aforesaid) shall not at the time and place of his attendance produce his licence, he shall forfeit the sum of forty shillings, and so from time to time as often as he shall so neglect or refuse.

In case of proprietors failing so to do.

36. It shall be lawful for any Magistrate specially appointed under the authority of the said Act of the reign of His late Majesty for the purpose of hearing and determining offences against the provisions of that Act, or for such other Magistrate as shall be in attendance at the office appointed in that behalf, to hear and determine any complaint for any offence against the provisions of this Act, or of any Act now in force or hereafter to be in force, wheresoever the cause of complaint may arise within the city of London or the liberties thereof, or elsewhere within the limits of this Act, so far as the same shall relate to hackney carriages or to metropolitan stage carriages. . . . in like manner as if such provisions had been included in the aforesaid Act. [*Part omitted (as to watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.). See also 1 & 2 Will. 4, c. 22, s. 62, and 16 & 17 Vict. c. 33, s. 18.*]

Magistrates empowered to hear and determine complaints.

37. Upon the hearing of any complaint made under the provisions of this Act or the recited Act passed in the reign of His late Majesty, or of the orders and regulations aforesaid, it shall be lawful for the Justice of the Peace by whom the same shall be heard to examine and take the evidence of the informant or com-

Evidence of complainant to be taken.

plainant in any dispute concerning the amount of fare paid or demanded by either party, or in any dispute between the proprietor and driver or conductor of any hackney carriage or metropolitan stage carriage concerning the wages of such driver or conductor, or in any complaint of personal injury done to the complainant by the driver of any hackney carriage or metropolitan stage carriage, or in any case in which the informant or complainant shall be entitled to no pecuniary advantage besides his costs and expenses, or, being entitled to some compensation or pecuniary advantage, shall either give up all claim to the same, or shall not be the only witness in the case. [*See the Evidence Act 1843, s. 1.*]

Complaints
to be made
within seven
days.

38. All complaints under the provisions of the said recited Act of the reign of His late Majesty or of this Act, or of the orders and regulations made in pursuance of either of them, except such as shall be made by the direction of the Commissioners of Stamps and Taxes, and except in cases where some other term or limitation is specially provided by this Act, shall be made within seven days next after the day on which the cause of complaint shall have arisen.

Penalties
may be
awarded to
be paid by
instalments.

39. It shall be lawful for any Justice of the Peace to hear and determine all complaints under the provisions of this Act or of the said recited Act of the reign of His late Majesty, and to adjudge the payment of any penalty or of any sum of money under either of the said Acts, or of the orders and regulations made pursuant to either of them, and to order payment of the same, with or without costs, either immediately, or at such time and place, and by such instalments, as he shall think fit; and in case of nonpayment of the sum so ordered to be paid, or of any one instalment thereof, to adjudge the party making default to be imprisoned in the common gaol or house of correction for any term not exceeding two calendar months, with or without hard labour, such imprisonment to cease on payment of the sum so adjudged or ordered to be paid, or to issue his warrant for the levying of any such sum of money, together with the costs and expenses of such warrant or of levying the same, on the goods of the party making default, and to cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus (if any). and where goods of such party making default cannot be found sufficient to answer the penalty or sum ordered to be paid, and all such costs and expenses, to commit such party to prison, there to remain for any time not exceeding two calendar months, unless such penalty or sum of money, and all such costs and expenses, shall be sooner paid; and every such imprisonment shall be with or without hard labour as such Justice shall direct: Provided always, that no imprisonment for nonpayment of any sum ordered to be paid on account of wages, or the earnings of any carriage, or of any deposit of money, shall be for a longer period than one calendar month, or with hard labour; and all proceedings whatsoever before any Justice of the Peace under any of the provisions of this Act or the recited Act of the reign of His late Majesty, and the judgment of the said Justice thereon, shall be final and conclusive between the parties, and shall not be quashed or vacated for want of form, and shall not be removed by certiorari, or any other writ or process, into any superior Court. [*See the Summary Jurisdiction Act 1879, s. 5.*]

In case of
nonpayment
the party
may be
imprisoned.

Proviso.

In what
manner goods
distrained
under this

40. In all cases where any goods or chattels distrained or otherwise seized or taken under any of the provisions of this Act or the recited Act of the late reign, are directed to be sold, the same shall

be sold by public auction, and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his usual place of abode, three days at least prior to such sale : Provided always, that if the owner of any such goods or chattels shall give his consent in writing to the sale thereof at an earlier period than is by this Act or shall be by any such notice appointed for such sale, or in any other manner than is by this Act directed, it shall be lawful to sell such goods or chattels according to such consent : Provided also, that if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any warrant or other process shall be directed or authorized to cause such goods or chattels to be sold the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made. *[Note on s. 39 applies.]*

Act shall be sold

41. For the purpose of serving summonses and other notices required by this or the recited Act of His late Majesty the usual place of abode of any driver, conductor, . . . or of any person who, having been licensed as a driver, conductor, . . . has neglected to return his metal ticket at the expiration of his licence, shall be deemed to be the place specified in the licence ; and it shall be lawful for any Justice of the Peace in all cases, upon complaint being made in respect of any matter within the meaning of this or of the recited Act of His late Majesty, or of the orders and regulations made in pursuance thereof, to issue his summons to require the attendance of the person complained of before the said Justice, or any other Justice, at a time and place to be appointed for that purpose, or to issue a warrant for the apprehension of such person, either in the first instance, or after the issuing and service of such summons and the non-appearance of the party summoned ; and every summons or other notice required by this Act shall be deemed to be duly served, provided the same, or a copy thereof, shall be either personally served or left at the usual place of abode of the party to whom it shall be directed, or if he shall be a party licensed under this or the recited Act of His late Majesty, then at the place of abode specified in his licence. *[Parts omitted (as to watermen) rep. 37 & 38 Vict. c. 96 (S.L.R.).]*

Service of summonses and other notices.

42. Every person summoned as a witness to give evidence touching any matter to be heard under this Act or the recited Act of His late Majesty, who shall neglect or refuse to appear at the time and place for that purpose appointed by any Justice of the Peace, without a reasonable excuse to be allowed by such Justice, or who shall appear but refuse to be examined or give evidence, shall forfeit the sum of five pounds. *[See 2 & 3 Vict. c. 71, s. 22.]*

Penalty on witnesses refusing to attend or to give evidence.

43. Every summons or warrant of distress which shall be had or taken against the proprietor of a hackney carriage or metropolitan stage carriage, for the default of the driver or conductor thereof, for the recovery of any penalty, compensation, or costs under the provisions of this Act, or such rules, orders, and regulations as aforesaid, may be drawn or made out according to the several forms contained in the schedule hereunto annexed, or to the effect thereof, with such changes as the case may require ; and every order, conviction, warrant, or other proceeding which shall be drawn, had, or issued under the provisions of this Act or of the recited Act of the reign of His late Majesty, or of such rules, orders, and regulations as

Certain proceedings to be drawn up according to the forms in the schedule.

aforesaid, shall be good and effectual without stating the facts in evidence, or more than the matter or offence in respect whereof such order, conviction, or other proceeding as aforesaid shall have been had, made, or issued.

Providing for cases where there are more proprietors than one.

44. In every case where there shall be more than one proprietor of any hackney carriage or metropolitan stage carriage, it shall be sufficient, in any information, summons, order, conviction, warrant, or any other proceeding under the provisions of this Act or of the said recited Act of the reign of His late Majesty, to name one of such proprietors without reference to any other or others of them, and to describe and proceed against him as if he were sole proprietor.

Power to mitigate penalties.

45. It shall be lawful for any Justice of the Peace by whom any person shall be convicted of any offence under this Act, or under the recited Act of His late Majesty, to lessen the penalty or term of imprisonment in such manner as he may think fit. [*See 2 & 3 Vict. c. 71, s. 35.*]

Appropriation of penalties.

46. All penalties or sums of money ordered and adjudged within the metropolitan police district to be paid under this Act, or the recited Act of His late Majesty, and not otherwise appropriated, shall be payable to Her Majesty, and all penalties or sums of money ordered and adjudged within the city of London or the liberties thereof to be paid under this Act or the recited Act of His late Majesty, and not otherwise appropriated, shall be payable to the Chamberlain of the city of London, in aid of the expenses of the police of the said city.

47. [*Limitation of actions. Rep. by the Public Authorities Protection Act 1893, s. 2. See Appendix.*]

48. [*Act may be amended this session. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

SCHEDULE referred to in the foregoing Act.

No. 1.

Form of a Summons to the Proprietor of a Hackney Carriage or a Metropolitan Stage Carriage to produce the Driver or Conductor thereof to answer a Complaint.

To *E.F.* of, *&c.*, proprietor of the hackney carriage, number [or the metropolitan stage carriage, number].

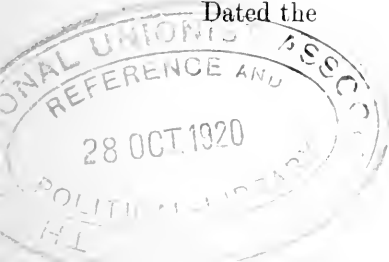
WHEREAS complaint hath been made by *C.D.* against the driver of the hackney carriage, number [or the driver or conductor of the metropolitan stage carriage, number], on the day of now last past [or instant], charging that the said driver [or conductor], on the day of now last past [or instant], (of which said carriage you were then the proprietor,) at or about the hour of did [*here state the alleged offence*]: These are therefore to require you to produce the said driver or conductor before me, or such other Magistrate as shall be present, at on the day of at of the clock in the noon, then and there to answer the said complaint.

Dated the day of

(Signed)

One of the Police Magistrates of the metropolis,

[or
One of Her Majesty's Justices of the Peace
for]



No. 2.

Form of a Warrant of Distress for levying upon the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage the Penalty in which the Driver or Conductor thereof has been convicted.

To A.B. of, &c.

Metropolitan Police District to wit. } WHEREAS C.D., the driver of the hackney carriage, number [or the driver or conductor of the metropolitan stage carriage, number], on the day of was duly convicted of a certain offence, for that [here state the offence], whereby he hath been adjudged to forfeit the sum of over and above the sum of for the costs and charges of the informer, making together the sum of which hath not been paid by the said driver [or conductor], nor by any person on his behalf: And whereas, according to the statute in that behalf made, the said E.F., the proprietor of the said carriage, hath been required to pay the said sum of which he hath neglected and refused to do: Therefore I command you to levy the said sum of by distraining the goods and chattels of the said E.F., the said proprietor; and if within the space of five days next after such distress taken the said sum of together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I order and direct that you shall sell and dispose of the said goods and chattels which shall be so distrained, taken, and seized as aforesaid, and shall levy and raise thereout the said sum of and all reasonable costs and charges of taking and keeping and selling such distress, rendering the overplus (if any) to the owner of the said goods and chattels; and you are to certify to me what you shall have done by virtue of this my warrant. Given under my hand and seal the day of

(Signed)

One of the Police Magistrates of the metropolis,

[or
One of Her Majesty's Justices of the Peace
for]

No. 3.

Form of Warrant of Commitment of the Proprietor of a Hackney Carriage or Metropolitan Stage Carriage for Want of a sufficient Distress whereon to levy the Penalty in which the Driver or Conductor of such Carriage has been convicted.

To A.B. of, &c., and to the keeper of the common gaol [or house of correction] at

Metropolitan Police District to wit. } WHEREAS, &c. [proceed as in the Form No. 2 to the words "which he hath neglected and refused to do," inclusive]: And whereas it has been duly made to appear to me that no sufficient distress of the goods and chattels of the said E.F., the said proprietor, can be found whereon to levy the said sum of : Therefore I command you the said A.B. to apprehend and take the said E.F., and safely to convey him to the common gaol [or house of correction] at in the of and there to deliver him to the keeper thereof, together with this warrant. And I do hereby command you the

said keeper to receive into your custody in the said gaol [*or* house of correction] him the said *E.F.*, and him therein safely to keep for the space of _____ unless the said sum of _____ shall be sooner paid.

Given under my hand and seal the _____ day of _____

(Signed)

One of the Police Magistrates of the metropolis,

[*or*

One of Her Majesty's Justices of the Peace
for _____]

[*See the Summary Jurisdiction Acts 1879, s. 29, and 1884, s. 12.*]

9 & 10 VICTORIA. A.D. 1846.

CHAPTER 39.

* AN ACT TO ENABLE THE COMMISSIONERS OF HER MAJESTY'S WOODS TO CONSTRUCT AN EMBANKMENT AND ROADWAY ON THE NORTH SHORE OF THE RIVER THAMES FROM BATTERSEA BRIDGE TO VAUXHALL BRIDGE, AND TO BUILD A SUSPENSION BRIDGE OVER THE SAID RIVER AT OR NEAR CHELSEA HOSPITAL, WITH SUITABLE APPROACHES THERETO, INCLUDING A STREET FROM LOWER SLOAN STREET TO THE NORTHERN EXTREMITY OF THE BRIDGE.
[3d August 1846.]

[*Preamble recites that the Commissioners appointed to inquire into and consider the most effectual means of improving the metropolis and providing increased facilities of communication between the same, by their second report of 7th May 1845 recommended the construction of an embankment and public road between Battersea and Vauxhall Bridges; and by their fifth report of 23rd July 1845 the construction of a suspension bridge across the Thames between Battersea and Vauxhall Bridges from a point near Chelsea Hospital on the north side to a point near the public house called the "Red House" on the south side; and that it is proposed in accordance with the aforesaid recommendations that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should be empowered to construct such embankment, road, and bridge as aforesaid, and in order to open complete communication with and to the said roadway and bridges, to open a new street from the south end of Lower Sloane Street to a point in the intended roadway at or near the northern extremity of the said intended bridge as recommended in the said second report; and that the recommendations aforesaid were made on the understanding that a certain proportion of the cost of constructing such proposed embankment and roadway should be contributed by owners of or parties interested in the tenements situated on the river frontage along which the said embankment and roadway would pass, and that certain of such parties were willing to contribute accordingly; and that the said Commissioners had caused surveys, plans, and designs to be made of the said intended embankment, roadway, and street, and of the said intended bridge and the approaches thereto; and that such surveys, plans,*

* See also 15 & 16 Vict. c. 71, and 16 & 17 Vict. c. 87.

and designs had been approved by the Commissioners of Her Majesty's Treasury.]

1. [Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings constituted a corporation by the name of "The Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings" to carry Act into effect. Spent.]

2. [Commissioners for issuing Exchequer Bills for Public Works to advance money to be secured on tolls for purposes of the Act. Spent.]

3. And be it enacted, that . . . it shall be lawful for the said Commissioners for executing this Act to construct and complete an embankment and roadway along the north bank of the River Thames from Battersea Bridge to Vauxhall Bridge, and it shall be lawful for the said Commissioners at any time . . . to construct and complete a bridge across the said river from a point near to Chelsea Hospital aforesaid to a point near the Red House aforesaid, with convenient approaches thereto, together with convenient piers, stairs, hards, and landing places, and also a street from the south end of Lower Sloane Street aforesaid to the northern extremity of such bridge, in manner herein-after mentioned, and according to such surveys, plans, and designs as aforesaid, and for the purposes aforesaid, or any of them, to dig and make proper foundations in the said river, and in the lands on each side thereof, and make dams in the said river, and cut and level the banks thereof, and cut, remove, and take away all trees, roots of trees, beds of gravel, sand, or mud, or other impediment whatsoever, and do and execute every other thing necessary or convenient for the purposes aforesaid, or any of them : and for the purpose of erecting, maintaining, and repairing the said intended bridge, and constructing and completing such embankment and roadway as aforesaid, the said last-mentioned Commissioners shall have full power and authority from time to time to land on either side of the said river, within five hundred yards from the site of the said intended bridge, and on any part of the ground lying on the north bank of the said river between Battersea Bridge and Vauxhall Bridge, all materials and other things to be used in or about the same, and there to work and use such materials and things as they the said last-mentioned Commissioners shall think proper, doing as little damage as may be, and making such satisfaction as herein-after mentioned to the respective owners and occupiers of the lands and hereditaments which shall be damaged or used for the purposes of this Act. . . . [Parts omitted (as to agreements for contribution) superseded by 15 & 16 Vict. c. 71, and 16 & 17 Vict. c. 87; and (as to maintenance of bridge and approaches) by 40 & 41 Vict. c. xcix. s. 16.]

When agreements for contributions are approved by the Treasury, Commissioners empowered to construct embankment and roadway, and to construct a bridge.

When bridge erected Commissioners to keep same in repair.

4. And be it enacted, that in case at any time or times after the said intended bridge shall have been completed the passage over the same shall become dangerous in consequence of accident or want of repair, it shall be lawful for the said last-mentioned Commissioners during such time as shall be necessary for repairing or rebuilding the said bridge, to erect such temporary bridge or provide such ferry over the said river at such place or places near the site of the said intended bridge as they shall think proper . . . : Provided always, that such temporary bridge or ferry shall continue for such time only as shall be necessary for repairing or rebuilding the said

When the bridge is under repair the Commissioners empowered to erect a temporary bridge. Proviso.

intended bridge, and that such temporary bridge shall be built so as to impede the navigation as little as possible. [*Part omitted (tolls on temporary bridge or ferry) spent. See 40 & 41 Vict. c. xcix. s. 16.*]

5—18. [*Commissioners may take places for depositing materials—Deposit of plans at offices of Commissioners and inspection of same—Deviation from deposited plans—Powers to Commissioners to appoint officers—As to evidence of Commissioners' proceedings—Powers to make new and to stop up existing carriage-ways and footways, to embank the Thames as shown on deposited plans, and to stop up streets—Vesting of ground of river embanked and streets, etc., stopped up in Commissioners—Powers to stop up ways during works—Penalty on obstruction of works—Powers to raise or lower streets, to arch over and fill in drains and sewers—Saving rights of Commissioners of Sewers—Powers to alter water and gas pipes—Spent. See 40 & 41 Vict. c. xcix. s. 16.*]

19. [*Ground laid out into streets to form part of public roadway.*]

20—56. [*As to acquisition of lands—Assessment of compensation and application of purchase moneys. Spent.*]

57—65. [*Commissioners of Woods may permit intended bridge to be constructed on land forming part of Battersea Park—Compensation to the Watermen's Company in respect of the Sunday Ferry from the Whitehouse, St. George's, Hanover Square, to the Redhouse, Battersea—Powers to Commissioners to sell materials, and to grant building leases—Sale of ground rents—Powers to sell lands not wanted—Vesting of materials in Commissioners and powers to dispose of same—Powers to Commissioners to bring actions. Spent.*]

Deeds, etc.
not liable to
stamp duty.

66. And be it enacted, that no contract, conveyance, lease, deed, or other instrument which shall be made, granted, or executed under any powers or authorities hereby granted, nor any contracts or agreements, bonds or other securities, assignments, conveyances, or other deed or instrument which shall be made, entered into, or executed by any person or persons to or with the said Commissioners, or otherwise, for any of the purposes of this Act, shall be subject or liable to any stamp duty whatever imposed by any Act now in force, nor to any stamp duty to be imposed by any future Act, unless such instruments be specially subjected and specifically charged in and by such future Act.

67—68. [*Powers to the Commissioners to take sand from the bed of the Thames to form embankment and bridge, to construct piers, etc., on the sites shown on the deposited plans or within fifty feet thereof. Spent.*]

69—84. [*As to tolls. Superseded 40 & 41 Vict. c. xcix. s. 16.*]

85. [*Penalty for wilfully damaging bridge. Superseded 18 & 19 Vict. c. 120, s. 206, and the Malicious Damage Act 1861, ss. 33, 51.*]

Owners of
vessels liable
for damage
done to the
bridge, etc.

86. And be it enacted, that in case any damage or mischief shall be done to the bridge, or to any such pier, stairs, hard, or landing place as aforesaid, or any of the works thereof respectively, by any ship, lighter, barge, boat, float, raft, or vessel, through the wilful negligence of any person having the command of any such ship, lighter, barge, boat, float, raft, or vessel, or any of the mariners or persons employed therein, then and in every such case the owner of such ship, lighter, barge, boat, float, raft, or vessel shall be and is hereby made answerable to the said Commissioners for the amount or value of any such damage or mischief; and the same, provided it shall not exceed the sum of twenty pounds, if not forthwith paid and

satisfied, shall and may be recovered in such manner as the penalties and forfeitures hereby imposed are in and by this Act directed to be recovered.

87. And be it enacted, that in case the owner of any such ship, lighter, barge, boat, float, raft, or vessel shall be compelled to pay any penalty, or to make satisfaction for any damages, by reason of any neglect or default done or committed by his servants or mariners, or any of them, such servants or mariners, and each and every of them, shall be liable to pay such penalty or damages (with the costs thereof) to such owner: and in case of nonpayment upon demand thereof, and oath made by such owner of the payment made by him of such penalty, satisfaction, or damages, and that the same and the costs thereof have not been repaid to him by such servants or mariners or any of them, although demanded, (such oath to be made before any one or more Justice or Justices of the Peace of the county or place where such penalty or satisfaction shall have been recovered,) the amount thereof, provided the same shall not exceed the sum of twenty pounds, shall be recovered in the same manner as any penalty is hereby directed to be recovered.

88. And be it enacted, that in case any person shall resist or make forcible opposition against any person employed in the due execution of this Act, or shall assault any surveyor, engineer, or agent . . . in the execution of his office, . . . every such person shall for every such offence forfeit and pay any sum not exceeding five pounds. [*Part omitted (as to collector and evasion of tolls) spent.*]

89. [*Penalty for injury to toll houses, lamps, etc., obstructing passengers, etc. Superseded (as to injury) by the Malicious Damage Act 1861; (as to obstruction) semble obsolete. See 2 & 3 Vict. c. 47, s. 54.*]

90. And be it enacted, that in all cases wherein damages or charges in respect of acts or offences done or committed upon or relating to the said bridge, piers, stairs, hard, or landing places . . . respectively, are by this Act directed or authorized to be paid, and the manner of ascertaining the amount thereof is not specified or provided for, such amount, in case of nonpayment thereof, or of any dispute respecting the same, shall be ascertained and determined by some two or more Justices of the Peace for the county of Middlesex* . . . (such Justices not being interested in the matters in question): and where by this Act any such damages or charges are directed to be paid, in addition to any penalty for any offence, the amount of such damages and charges, in case of nonpayment thereof, or of any dispute respecting the same, shall be settled and determined by the Justices by or before whom any offender shall be convicted of such offence, and such Justices respectively are hereby authorized and required, on nonpayment of the damages in any of the cases aforesaid, to levy such damages and charges, by distress and sale of the offender's goods and chattels, in manner by this Act directed for the levying of any penalties or forfeiture. . . . [*Part omitted (as to tolls) spent.*]

91. And be it enacted, that all penalties and forfeitures inflicted or imposed by this Act (the manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of nonpayment thereof, be recovered in a summary way by the order and adjudication of some two or more Justices of the Peace for the said county of Middlesex,* on complaint to them for that

* Now the county of London. See 51 & 52 Vict. c. 11, ss. 40 and 117.

purpose made, and afterwards be levied, as well as the costs, if any, of such proceedings or nonpayment, by distress and sale of the goods and chattels of the respective offenders or persons liable to pay the same, by warrant under the hands and seals of such Justices : . . . all which penalties and forfeitures, not herein directed to be otherwise applied, shall be paid, one half to the informer, and the remainder to the said Commissioners ; . . . but in case upon return of such warrant it shall appear that no sufficient distress could be had whereupon to levy the said penalties or forfeitures, and such costs and expenses as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Justices, upon the confession of the offender or otherwise, that he hath not sufficient goods and chattels whereupon such penalties, forfeitures, costs, and expenses could be levied if a warrant of distress should be issued, (in which last-mentioned case such Justices shall not be required to issue such warrant of distress,) then and in either of such cases such Justices are hereby required, by warrant under their hands and seals, to commit such offender to some common gaol or house of correction for the county or place within their jurisdiction, there to remain for any time not exceeding three calendar months, or until such penalty or forfeiture shall be sooner paid and satisfied, together with all costs and charges attending such proceedings as aforesaid, to be ascertained by such Justices, or until such offender shall otherwise be discharged by due course of law. [*Parts omitted (as to distress) superseded by the Summary Jurisdiction Acts. See also the Summary Jurisdiction Act 1879, s. 5.*]

92—96. *Procedure for penalties—Transient offenders—Forms of information and conviction—Powers to Justices to administer oaths—Attendance of witnesses. Spent in part ; remr. superseded by the Summary Jurisdiction Acts.*

Persons
aggrieved
may appeal
to Quarter
Sessions.

97. And be it enacted, that the said Commissioners, and all other corporations and persons who may think themselves aggrieved by any order, judgment, or determination of any Justice of the Peace relating to any matter or thing in this Act mentioned or contained, and for which no power of appeal is by this Act specially given, may . . . appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the said county of Middlesex.* . . . [*Parts omitted (as to procedure on appeal) superseded by the Summary Jurisdiction Acts.*]

Proceedings
not to be
quashed for
want of form.

98—101. [*Declaring what shall be good service on and by Commissioners—Proof by Commissioners of debts in bankruptcy—Distress not unlawful for want of form. Spent in part ; remr. superseded by the Summary Jurisdiction Acts.*]

102. And be it enacted, that no proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of form, or be removed by certiorari, or by any other writ or proceeding whatsoever, into any of Her Majesty's Courts of Record at Westminster or elsewhere, any law or statute to the contrary notwithstanding.

Persons
giving false
evidence
guilty of
perjury.

103. And be it enacted, that all persons who upon any examination to be taken by virtue of this Act shall wilfully and corruptly give false evidence or otherwise forswear themselves before any jury, or before any Justice of the Peace acting as such in the execution of this Act, shall and may be prosecuted for the same, and upon

* Now County of London Sessions. See 51 & 52 Vict. c. 41, s. 42 (7).

conviction thereof shall be subject and liable to such and the same pains and penalties as persons guilty of wilful and corrupt perjury are by the laws in being subject and liable to.

104—105. [*Tender of amends and limitations of actions. Rep. by the Public Authorities Protection Act 1893. See Appendix.*]

106. [*Saving the rights of the Crown.*]

107. [*Saving the rights of the Corporation of the City of London.*]

108. [*Saving the rights of the Commissioners of Sewers of Westminster and part of Middlesex. Superseded 11 & 12 Vict. c. 112.* See now 18 & 19 Vict. c. 120, s. 135.*]

109. [*Commissioners to give effect to any agreements made on behalf of the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings. Spent.*]

110. And be it enacted, that after the expiration of the lease under which the Governor and Company of Chelsea Waterworks † now hold certain frontage and land at Thames Bank, granted by the Marquis of Westminster, it shall be lawful for the said Governor and Company of Chelsea Waterworks, † provided at the expiration of such lease the said Governor and Company shall no longer be permitted to use the entrance of the cut or layby to the Grosvenor Canal, so as to have access to their freehold property, to make a cut or entrance through the said intended roadway and embankment on and into their freehold land at Thames Bank aforesaid, with a bridge over it, and all necessary works, the same to be subject to the approval of the Commissioners for the time being for executing this Act, and saving the rights of the Crown and of the Corporation of the City of London; and the said bridge and the roadway over the said cut shall be kept in repair by and maintained at the expense of the person or persons liable to the repair of the road under the provisions of this Act.

111—116. [*Application of moneys received by the Commissioners—Application of tolls—Commissioners to render accounts to the Treasury—Receipts of two Commissioners to be discharges—Power to contributors to charge their property with their contributions—Commissioners exempted from personal responsibility. Spent.*]

117. [*Act to be judicially noticed.*]

SCHEDULE. [*Description of lands to be taken. Spent.*]

13 & 14 VICTORIA. A.D. 1850.

CHAPTER 7.

AN ACT FOR CONSOLIDATING THE OFFICE OF THE REGISTRAR OF METROPOLITAN PUBLIC CARRIAGES WITH THE OFFICE OF COMMISSIONERS OF POLICE OF THE METROPOLIS, AND MAKING OTHER PROVISIONS IN REGARD TO THE CONSOLIDATED OFFICES.

[25th March 1850.]

[*Preamble rep. 54 & 55 Vict. c. 67 (S.L.R.).*]

1. [*Office of Registrar of Metropolitan Public Carriages abolished. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

* This Act is repealed 38 & 39 Vict. c. 66 (S.L.R.).

† Now the Metropolitan Water Board (2 Edw. 7. c. 41).

Duties of
abolished
office trans-
ferred to
Commission-
ers of Police.

2. All the jurisdiction, powers, authorities, privileges, interests, and duties now vested in or exercised by the office of Registrar of Metropolitan Public Carriages hereby abolished shall be transferred to and vested in and shall hereafter be exercised by the Commissioners of Police of the Metropolis, in as full and ample a manner to all intents and purposes as they were vested in and might have been exercised by the said Registrar of Metropolitan Public Carriages. [See 19 & 20 Vict. c. 2, s. 1.]

3. [*Retiring allowances to officers whose offices are abolished.* Rep. 54 & 55 Vict. c. 67 (S.L.R.).]

Standings
for hackney
carriages to
be appointed.

4. It shall be lawful for the said Commissioners of Police from time to time to appoint standings for hackney carriages at such places as they shall think convenient in any street, thoroughfare, or place of public resort within the metropolitan police district, any law, statute, or custom to the contrary thereof notwithstanding, and at their discretion to alter the same, and from time to time to make regulations concerning the boundaries of the same, and the number of carriages to be allowed at any such standing, and the times at and during which they may stand and ply for hire at any such standing, and also from time to time to make such regulations as the said Commissioners shall deem proper for enforcing order at every such standing, and for removing any person who shall unnecessarily loiter or remain at or about any such standing; and the said Commissioners shall cause all the orders and regulations to be made by them as aforesaid to be advertised in the *London Gazette*, and a copy thereof, signed by one of the said Commissioners, to be hung up for public inspection in the office of the Commissioners of Police in the city of Westminster and at each of the police courts, and such copy shall be received in evidence in the said courts as if it were the original of which it purports to be a copy, and shall be taken to be a true copy of such original order or regulation, without further proof than the signature of the said Commissioner. [See 16 & 17 Vict. c. 33, s. 12.]

5. [*Repeal of provisions as to "standings" in Acts previous to 6 & 7 Vict. c. 86.* Rep. 55 & 56 Vict. c. 19 (S.L.R.).]

Saving of
Bloomsbury
Square Act,
46 G. 3. c. 134.

6. Provided always, that nothing in this Act or in the said Act of the seventh year of the reign of Her present Majesty contained shall alter or repeal, or be construed to alter or repeal, or invalidate, or in anywise prejudicially affect, either wholly or in part, an Act passed in the forty-sixth year of the reign of His Majesty King George the Third, intituled "An Act for ornamenting and embellishing the Centre or Area of Bloomsbury Square in the parish of Saint George Bloomsbury in the County of Middlesex, and for preventing Hackney Coaches standing or plying for Hire in or near the said Square."

7. [*One Commissioner may act.* Rep. 55 & 56 Vict. c. 19 (S.L.R.).]

This Act
to be con-
strued with
6 & 7 Vict.
c. 86.

8. This Act shall be construed as one Act with the said Act passed in the seventh year of the reign of Her Majesty Queen Victoria, intituled "An Act for regulating Hackney and Stage Carriages in and near London," and all the provisions of the said Act, except so far as is herein otherwise provided, shall extend to this Act, and to all things done in execution of this Act.

9. [*Commencement of Act, 5th April 1850.* Rep. 38 & 39 Vict. c. 66 (S.L.R.).]

10. [*Act may be amended, etc.* Rep. 38 & 39 Vict. c. 66 (S.L.R.).]

14 & 15 VICTORIA. A.D. 1851.

CHAPTER 28.

* AN ACT FOR THE WELL-ORDERING OF COMMON LODGING HOUSES.
[24th July 1851.]

[*Preamble rep.* 55 & 56 Vict. c. 19 (S.L.R.).]

1. In citing this Act for any purpose it shall be sufficient to use Short title. the expression "The Common Lodging Houses Act, 1851."

2. The following words and expressions in this Act have, for the purposes and execution of this Act, the following meanings; to wit, Interpretation of terms in this Act.

The word "place" includes county, riding, hundred, and other division, or part of a county, city, borough, parish, district, and other place whatsoever :

The expression "common lodging house" includes, in any case in which only a part of a house is used as a common lodging house, the part so used of such house.

[*Part omitted (other definitions) rep.* 55 & 56 Vict. c. 19 (S.L.R.).]

3—4. [*Authorities to execute Act.—Expenses of executing Act. Superseded (as regards London)* 57 & 58 Vict. c. cxxiv.]

5. The expression in this Act "the local authority" means, with respect to the purposes and execution of this Act with respect to any place, the body or person by this Act authorized to execute with respect to the place the several provisions of this Act. Meaning of the term "the local authority."

6. [*Notice of Act to be given to the keepers of common lodging houses. Rep.* 38 & 39 Vict. c. 66 (S.L.R.).]

7. The local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging houses within the jurisdiction of the local authority, and the situation of every such house, and the number of lodgers authorized according to this Act to be received therein. [See also 2 Edw. 7, c. clxxiii. ss. 46—57.] Registers of common lodging houses to be kept.

8. [*Lodgers not to be received in common lodging houses until registered. Rep.* 38 & 39 Vict. c. 66 (S.L.R.).]

9. [*Local authority may make regulations. Rep. (as regards London)* 2 Edw. 7, c. clxxiii. s. 53.]

10. [*Penalties for offences against regulations. Semble superseded (as regards London)* 2 Edw. 7, c. clxxiii. s. 53.]

11. The keeper of a common lodging house shall, when a person in such house is ill of fever or any infectious or contagious disease, give immediate notice thereof to the local authority, or some officer of the local authority, and also to the Poor Law medical officer and the Poor Law relieving officer of the union or parish in which the common lodging house stands. [See also 16 & 17 Vict. c. 41. s. 7, and 54 & 55 Vict. c. 76, s. 55.] Keepers of common lodging houses to give notice of fever, etc. therein

* Whole Act rep. (except so far as relates to metropolitan police district, by the Public Health Act 1875, s. 343, and (except so far as relates to the metropolis as defined by the Public Health Act 1875) 55 & 56 Vict. c. 19 (S.L.R.). Act amended generally 16 & 17 Vict. c. 41; 29 & 30 Vict. c. 90, s. 41; 37 & 38 Vict. c. 89, s. 49; 57 & 58 Vict. c. cxxiv.; and 2 Edw. 7, c. clxxiii., Part IX.

As to
inspection
of common
lodging
houses.

12. The keeper of a common lodging house, and every other person having or acting in the care or management thereof, shall, at all times when required by any officer of the local authority, give him free access to such house or any part thereof.

As to
cleansing of
common
lodging
houses.

13. The keeper of a common lodging house shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools, and drains thereof, to the satisfaction of and so often as shall be required by or in accordance with any regulation or byelaw of the local authority, and shall well and sufficiently, and to the like satisfaction, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year.

Penalty for
offences
against this
Act.

14. If the keeper of a common lodging house, or any other person having or acting in the care or management thereof, offend against any of the provisions of this Act, or any of the byelaws or regulations made in pursuance of this Act, or if any person in any common lodging house be confined to his bed for forty-eight hours by fever or any infectious or contagious disease, without the keeper of such house giving notice thereof as required by this Act, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence continues: Provided always, that this Act shall not exempt any person from any penalty or other liability to which he may be subject irrespective of this Act. [*See 16 & 17 Vict. c. 41, s. 11.*]

Recovery of
penalties.

15. The clauses and provisions of the Railways Clauses Consolidation Act, 1845, "with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices," are for the purposes and execution of this Act incorporated with this Act.*

General
powers of
local autho-
rity, etc.

16. The local authority, and all Justices, constables, and others, shall respectively have full jurisdiction, powers, authorities, and indemnities for executing the several provisions of this Act. . . . [*Part omitted (as to hours of entry) rep. 57 & 58 Vict. c. 56 (S.L.R.).*]

17. [*Act not to extend to the city of London. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

18. [*Act not to extend to Scotland.*]

SCHEDULE. [*Form of Notice under s. 6. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

CHAPTER CXLVI.

AN ACT TO AMEND THE ACTS RELATING TO THE VEND AND DELIVERY OF COALS IN LONDON AND WESTMINSTER, AND IN CERTAIN PARTS OF THE ADJACENT COUNTIES; AND TO ALLOW A DRAWBACK ON COALS CONVEYED BEYOND CERTAIN LIMITS.

[*8th August 1851.*]

[*Preamble recites 1 & 2 Will. 4, c. lxxvi.; 1 & 2 Vict. c. ci.; and 8 & 9 Vict. c. 101.†*]

As to reco-
very and
application
of fines and
penalties not
exceeding
25*l.*

28. All fines, penalties, and forfeitures by the before-mentioned Acts and this Act, or any of them, imposed, or which may be imposed by virtue of any of the powers and authorities in such Acts, or any of them, contained (the manner of levying and

* These provisions are repealed in part by the Summary Jurisdiction Act 1884, s. 4, and largely superseded by the Summary Jurisdiction Acts.

† 8 & 9 Vict. c. 101 is rep. by 56 & 57 Vict. c. 54 (S.L.R.).

recovering whereof is not otherwise directed), not exceeding twenty-five pounds, shall be sued for within four months after the offence committed; and all such fines, penalties, and forfeitures shall be levied and recovered before any Justice, and such Justice is hereby empowered and required, upon information or complaint to him made, to grant a summons or warrant to bring before any Justice such offender at the time and place as shall be in such summons or warrant specified; and if, on the conviction of any offender, either on his own confession or on the evidence of any one or more credible witness or witnesses upon oath (which oath such Justice is hereby empowered to administer), such fine, penalty, or forfeiture shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender by warrant under the hand and seal of any Justice . . . ; and for want of distress, or in case the fine, penalty, or forfeiture shall not be forthwith paid, it shall be lawful for any Justice to commit any such offender to the common gaol or house of correction for the county, city, or place where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding six months, unless such fine, penalty, or forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid: and all such fines, penalties, and forfeitures, when recovered, shall be paid into the hands of the overseers of the poor of the parish, township, or place where the same shall have been incurred, for the use of the poor of such parish, township, or place. [*Part omitted (as to distress) superseded by the Summary Jurisdiction Acts. See also the Summary Jurisdiction Act 1879, s. 5.*]

[*The remainder of the Act relates to coal duties and procedure, and is either repealed by 52 & 53 Vict. c. 17, or superseded by the Summary Jurisdiction Acts.*]

15 & 16 VICTORIA. A.D. 1852.

CHAPTER 71.

AN ACT TO AMEND AN ACT OF THE NINTH AND TENTH YEARS OF HER PRESENT MAJESTY FOR THE EMBANKMENT OF A PORTION OF THE RIVER THAMES. [30th June 1852.]

[*Preamble recites 9 & 10 Vict. c. 39 (in this Act called the recited Act), and that by the Crown Lands Act 1851 the Commissioners of Her Majesty's Works and Public Buildings are now substituted for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the purposes of the recited Act, and that the agreements referred to in the recited Act have not yet been made, and that the same cannot be carried out without considerable delay, and that it is expedient that the eastern division of the said intended embankment and roadway authorized by the said recited Act should be constructed and completed as speedily as possible.*]

1. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings forthwith, or so soon as they shall think fit, to construct and complete so much of the embankment and roadway by the said recited Act authorized to be made as

Commis-
sioners of
Works
empowered
to make

embankment
before
entering into
certain
agreements
as directed
by the
recited Act.

extends or will extend from Vauxhall Bridge on the east to the sewer which forms the western boundary of the gardens of Chelsea Hospital on the west, in the manner and according to the surveys, plans, and designs in the said recited Act specified, although no such agreements as are therein mentioned shall have been made and entered into; and further, all the powers and provisions in the said Act applicable to the said embankment and roadway thereby authorized to be made shall in all respects apply to that part thereof which is hereby authorized to be made, as if the same was herein repeated, except that enactment which provides that the embankment and roadway is not to be executed until such agreements as therein mentioned shall have been made and entered into, and in all respects as if the said powers and provisions had been given to and made applicable to the Commissioners of Her Majesty's Works and Public Buildings, instead of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

2. [*Act not to affect agreements already entered into between Commissioners of Woods and other parties. Spent.*]

CHAPTER 85.

AN ACT TO AMEND THE LAWS CONCERNING THE BURIAL OF THE DEAD IN THE METROPOLIS. [1st July 1852.]

[*Preamble, reciting 13 & 14 Vict. c. 52, rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

1. [*Repeal of 13 & 14 Vict. c. 52. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

On representation of Secretary of State, Her Majesty in Council may order discontinuance of burials in any part of the metropolis.

2. In case it appear to Her Majesty in Council, upon the representation of one of Her Majesty's principal Secretaries of State,* that for the protection of the public health burials in any part or parts of the metropolis, or in any burial grounds or places of burial in the metropolis, should be wholly discontinued, or should be discontinued subject to any exception or qualification, it shall be lawful for Her Majesty, by and with the advice of her Privy Council, to order that after a time mentioned in the Order burials in such part or parts of the metropolis or in such burial grounds or places of burial shall be discontinued wholly, or subject to any exceptions or qualifications mentioned in such Order, and so from time to time as circumstances may require; provided that notice of such representation, and of the time when it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the *London Gazette*, and shall be affixed on the doors of the churches or chapels of the parishes in which any burial grounds or places of burial affected by such representation shall be situate, or on some other conspicuous places within the part or parts of the metropolis affected by such representation, one calendar month . . . at the least before such representation is so considered: Provided always, that no such representation shall be made in relation to the burial ground of any parish until ten days previous notice of the intention to make such representation shall have been given to the incumbent and the vestry clerk of such parish. [*Part omitted (as to epidemics, etc.) rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

* The Local Government Board is substituted for a Secretary of State by the Burial Act 1900, s. 4.

3. No such Order in Council as aforesaid shall be deemed to extend to any burial ground of the people called Quakers, or of the persons of the Jewish persuasion, used solely for the burial of the bodies of such people and persons respectively, unless the same be expressly mentioned in such Order; and nothing in this Act shall prevent the burial in any such burial ground in which for the time being interment is not required to be discontinued of the bodies of such people and persons respectively; and no such Order in Council as aforesaid shall be deemed to extend to any non-parochial burial ground being the property of any private person, unless the same be expressly mentioned in such Order.

Order not to extend to burial grounds of Quakers or Jews, unless expressly included.

4. It shall not be lawful, after the time mentioned in any such Order in Council for the discontinuance of burials, to bury the dead in any church, chapel, churchyard, or burial place, or elsewhere, within the part or parts of the metropolis or in the burial grounds or places of burial (as the case may be) in which burials have by any such Order been ordered to be discontinued, except as in this Act or in such Order excepted; and every person who shall, after such time as aforesaid, bury any body, or in anywise act or assist in the burial of any body, contrary to this enactment, shall be guilty of a misdemeanor.

Burial not to take place after Order in Council for discontinuance.

5. After the time from which burials in any place of burial of any parish are required under this Act to be discontinued, the body of any parishioner or inhabitant of such parish shall not be buried in any burial ground within the metropolis belonging to any other parish within the metropolis, save where the body of any of the family or relatives of such parishioner or inhabitant has been interred in such burial ground, and the relatives or other persons having the care and direction of the funeral signify a desire that on that account the body of such parishioner or inhabitant should be there interred (such burial ground not being a burial ground in which burials have been ordered to be discontinued under this Act), and save as herein otherwise provided; and every person having the care or control of any burial ground who knowingly authorizes or permits any burial therein contrary to this enactment shall be guilty of a misdemeanor.

Restriction as to place of burial of inhabitants of parishes the burial grounds whereof are closed.

6. Provided always, that notwithstanding any such Order in Council, where by virtue of any faculty legally granted, or by usage or otherwise, there is at the time of the passing of this Act any right of interment in or under any church or chapel affected by such Order, or in any vault of any such church or chapel, or of any churchyard or burial ground affected by such Order, and where any exclusive right of interment in any such burial ground has been purchased or acquired before the passing of this Act, it shall be lawful for one of Her Majesty's principal Secretaries of State* from time to time, on application being made to him, and on being satisfied that the exercise of such right will not be injurious to health, to grant licence for the exercise of such right during such time and subject to such conditions and restrictions as such Secretary of State* may think fit, but such licence shall not prejudice or in anywise affect the authority of the ordinary, or of any other person who, if this Act had not been passed, might have prohibited or controlled interment under such right, nor dispense with any consent which would have been required, nor otherwise give to such right

Saving of certain rights to bury in vaults, etc.

* See footnote to s. 2.

Saving as to cemeteries in Schedule (B) and new burial grounds hereafter approved of by Secretary of State.

Saving as to St. Paul's Cathedral and Westminster Abbey.

New burial grounds in the metropolis to be approved by Secretary of State.

The Commissioners of Sewers of the City of London to be a burial board for the parishes in the city and its liberties.

greater force or effect than the same would have had if this Act had not been passed.

7. The provisions of this Act shall not extend to authorize the discontinuance of burials, or to prevent the burial of the body of any person in any of the cemeteries mentioned in the Schedule (B.) to this Act, or in any burial ground or cemetery to be hereafter provided with the approval of one of Her Majesty's principal Secretaries of State,* as herein mentioned.

8. Nothing in this Act contained shall extend to prevent the interment in the cathedral church of Saint Paul's London, or in the collegiate church of Saint Peter's Westminster, of the body of any person, where Her Majesty, by any writing under her Royal sign manual, signify her pleasure that the body be so interred.

9. No new burial ground or cemetery (parochial or non-parochial) shall be provided and used in the metropolis, or within two miles of any part thereof, without the previous approval of one of Her Majesty's principal Secretaries of State.*

43. The provisions herein-before contained for the appointment of burial boards shall not apply to any parish within the limits of the city of London and the liberties thereof; but it shall be lawful for the Mayor, Aldermen, and Commons of the said city, in Common Council assembled, if and when they see fit so to do, to authorize and direct the Commissioners of Sewers of the City of London to exercise for the said city and liberties all the powers and authorities vested in burial boards under this Act; and thereupon such Commissioners shall have and exercise for and on behalf of the said city and liberties all such powers and authorities as are hereby vested in the burial board for any parish, or which might be exercised by such board with the approval of the vestry; but the expenses to be incurred by such Commissioners in providing and laying out any burial ground or burial grounds under this Act, and building the necessary chapel or chapels therein, shall not exceed such sum as the said Mayor, Aldermen, and Commons in Common Council assembled shall authorize to be expended for this purpose; and the money required for defraying the expenses incurred under this Act by the said Commissioners shall be charged upon and payable out of the consolidated rate authorized to be made by "the City of London Sewers Act, 1848," or any monies applicable for defraying the expenses by the said Act charged upon or payable out of such rate; and the income of any burial ground provided under this Act by such Commissioners, which if such ground had been provided by a burial board for any parish would be applicable in aid of the rate for the relief of the poor of such parish, shall be applicable in aid of the said consolidated rate; and the provisions contained in "The City of London Sewers Act, 1848," for the purpose (as therein expressed) of enabling the said Commissioners to effect the purchases therein authorized shall be applicable for the purpose of enabling the said Commissioners to purchase land for the purposes of this Act; and the powers for and auxiliary to the sale and disposal of land given or expressed to be given by "The City of London Sewers Act, 1848," and "The City of London Sewers Act, 1851," with respect to land purchased by the said Commissioners for any of the purposes mentioned in such last-mentioned Act, and deemed by them unnecessary

* See footnote to s. 2.

for such purposes, shall be applicable with respect to any land purchased by the said Commissioners for the purposes of this Act which may not appear to them to be wanted for such purposes; and all the provisions of the said City of London Sewers Acts applicable to the exercise of the powers vested in the said Commissioners shall be applicable to and for the purposes of this Act, as if the powers which under this Act may become vested in such Commissioners had been powers vested in them under the said "City of London Sewers Act, 1848;" provided that it shall be lawful for the said Mayor, Aldermen, and Commons to appoint any incumbent or incumbents of any parish or parishes within the said city or liberties to act with the said Commissioners for the purposes of this Act. [See the *City of London Sewers Act 1897.*]

45. [*Recital of uncompleted purchase, under the Metropolitan Interments Act 1850, of Brompton Cemetery by the General Board of Health.*] . . . The rights and obligations of the general board of health with reference to the purchase of the said cemetery * shall upon the passing of this Act become transferred to the Commissioners of . . . Works . . . ; and in case the said cemetery shall be conveyed to them by virtue of the transfer hereby made of such rights and liabilities, then immediately upon such cemetery being so conveyed, . . . the said cemetery shall, without any further conveyance, become vested in the said Commissioners of . . . Works . . . , in the like corporate capacity in which any lands, tenements, or hereditaments are vested in them under the Act of this last session of Parliament, chapter forty-two, but subject to the rights to graves, vaults, and monuments subject to which such cemetery may have been conveyed to such Commissioners or to the general board of health, as the case may be, and subject to the powers and for the purposes hereinafter mentioned. [*Words omitted rep. 55 & 56 Vict. c. 19 (S.L.R.)*]

Brompton Cemetery vested in Commissioners of Works

46. [*Recital of the Metropolitan Interments Act 1851, and provisions as to purchase money of Brompton Cemetery.* Rep. 55 & 56 Vict. c. 19 (S.L.R.).]

47. [*Winding up West of London and Westminster Cemetery Co.* Rep. 38 & 39 Vict. c. 66 (S.L.R.).]

48. The said Commissioners of Works . . . shall and may, in case the said Brompton Cemetery be vested in them by or under this Act, sell and dispose of the same or any part thereof, subject to the rights affecting the same, as the . . . Treasury may direct; and in the meantime, until such sale, the Secretary of State may and shall permit the same to be used for the purposes of interment, upon such terms and conditions as he shall think fit; and the residue of the monies arising from the sale and disposal of the said cemetery, or any part thereof, and in respect of the interments therein, after defraying the expenses incident to such sale and to the care and management of the cemetery, until the whole thereof shall be sold and disposed of, shall be paid to the Metropolitan Interments Repayments Account mentioned in the said Act of the last session of Parliament, to be carried to the said Consolidated Fund. [*Words omitted rep. 55 & 56 Vict. c. 19 (S.L.R.)*]

Brompton Cemetery may be sold by direction of the Treasury, and in the meantime used for interments.

49. Where any body is buried in any of the cemeteries mentioned in Schedule (B.) to this Act, at the expense of any union or parish, the fee or sum to be paid or payable on the interment of such body,

Limiting the compensation fee to be payable on pauper burials in cemeteries.

* *I.e.* the cemetery of the West of London and Westminster Cemetery Company (commonly called the Brompton Cemetery).

or otherwise in respect thereof, to the incumbent of the parish or ecclesiastical district from which such body is removed for interment, shall not exceed the sum of one shilling, or where the incumbent now receives in respect of the like burial in the ground of his parish more than one shilling shall not exceed the sum so now received, and in no case shall exceed two shillings and sixpence; and no other fee or sum whatsoever shall be payable in respect of such interment, to or for the use of any person as an officer of such parish or district, or for or on behalf of such parish or district, anything in any Act mentioned in the said Schedule (B.) or any other Act notwithstanding. [*Amended 16 & 17 Vict. c. 134, s. 7.*]

Definition of
"the metro-
polis."

53. For the purposes of this Act, the expression "the metropolis" shall be construed to mean and include the cities and liberties of London and Westminster, the borough of Southwark, and the parishes, precincts, townships, and places mentioned in the Schedule (A.) to this Act.

Saving
rights of
cemetery
companies.

54. Provided always, that nothing in this Act contained shall extend to take away, diminish, alter, or prejudice any of the rights, powers, or authorities vested in any of the cemetery companies incorporated under the several Acts mentioned in the said Schedule (B.) to this Act, but all such rights, powers, and authorities shall be as good, valid, and effectual as if this Act had not passed.

SCHEDULE (A.)

The City of London and the liberties thereof, the Inner Temple and Middle Temple, and all other places and parts of places contained within the exterior boundaries of the liberties of the city of London.

IN MIDDLESEX.*

The City and Liberties of Westminster.

The parishes of St. Margaret and St. John the Evangelist.

The parish of St. Martin in the Fields.

The parish of St. George Hanover Square.

The parish of St. James.

The parish of St. Mary-le-Strand, as well within the liberty of Westminster as within the Duchy liberty.

The parish of St. Clement Danes, as well within the liberty of Westminster as within the Duchy liberty.

The parish of St. Paul Covent Garden.

The parish of St. Anne Soho.

Whitehall Gardens (whether the same be parochial or extra-parochial).

Whitehall (whether the same be parochial or extra-parochial).

Richmond Terrace (whether the same be parochial or extra-parochial).

The close of the Collegiate Church of St. Peter.

The parishes of St. Giles in the Fields and St. George Bloomsbury.

The parishes of St. Andrew Holborn and St. George the Martyr.

The liberty of Hatton Garden, Saffron Hill, and Ely Rents.

The liberty of the Rolls.

The parish of St. Pancras.

The parish of St. John Hampstead.

* Now in the county of London. See 51 & 52 Vict. c. 41, s. 40.

The parish of St. Marylebone.
 The parish of Paddington.
 The precinct of the Savoy.
 The parish of St. Luke.
 The liberty of Glasshouse Yard.
 The parish of St. Sepulchre.
 The parish of St. James Clerkenwell, including both districts of St. James and St. John.
 The parish of St. Mary Islington.
 The parish of St. Mary Stoke Newington.
 The Charterhouse.
 The parish of St. Mary Whitechapel.
 The parish of Christchurch Spitalfields.
 The parish of St. Leonard Shoreditch.
 The liberty of Norton Folgate.
 The parish of St. John Hackney.
 The parish of St. Matthew Bethnal Green.
 The hamlet of Mile End Old Town.
 The hamlet of Mile End New Town.
 The parish of St. Mary Stratford Bow.
 The parish of Bromley St. Leonard.
 The parish of All Saints Poplar.
 The parish of St. Anne Limehouse.
 The hamlet of Ratcliffe.
 The parish of St. Paul Shadwell.
 The parish of St. George in the East.
 The parish St. John Wapping. [*sic*]
 The liberty of East Smithfield.
 The precinct of St. Catherine.
 The liberty of Her Majesty's Tower of London, consisting of—
 The liberty of the Old Artillery Ground.
 The parish of Trinity, Minories.
 The Old Tower precinct.
 The precinct of the Tower within.
 The precinct of Wellclose.
 The parish of Kensington.
 The parish of St. Luke Chelsea.
 The parish of Fulham.
 The parish of Hammersmith.
 Lincoln's Inn.
 New Inn.
 Gray's Inn.
 Staple Inn.
 That part of Furnival's Inn in the county of Middlesex.
 Ely Place.
 The parish of Willesden.

IN KENT.*

The parish of St. Paul Deptford.
 The parish of St. Nicholas Deptford.
 The parish of Greenwich.
 The parish of Woolwich.
 The parish of Charlton.
 The parish of Plumstead.

* Now in the County of London. See 51 & 52 Vict. c. 41, s. 10.

IN SURREY.*

The Borough of Southwark.

The parish of St. George the Martyr.
 The parish of St. Saviour.
 The parish of St. John Horsleydown.
 The parish of St. Olave.
 The parish of St. Thomas.

The parish of Battersea (except the hamlet of Penge).
 The parish of Bermondsey.
 The parish of Camberwell.
 The parish of Clapham.
 The parish of Lambeth.
 The parish of Newington.
 The parish of Putney.
 The parish of Rotherhithe.
 The parish of Streatham.
 The parish of Tooting.
 The parish of Wandsworth.
 The parish of Christchurch.
 The Clink liberty.
 The hamlet of Hatcham in the parish of Deptford.

 SCHEDULE (B.)

The several CEMETERIES established under the several ACTS herein-after mentioned; viz.—

- 2 & 3 W. 4.
c. cx. An Act for establishing a general cemetery for the interment of the dead in the neighbourhood of the metropolis :
- 6 & 7 W. 4.
c. cxxix. An Act for establishing a cemetery for the interment of the dead southward of the metropolis, to be called “The South Metropolitan Cemetery :”
- 6 & 7 W. 4.
c. cxxxvi. An Act for establishing cemeteries for the interment of the dead, northward, southward, and eastward of the metropolis, by a company to be called “The London Cemetery Company :”
- 1 Vict.
c. cxxx. An Act for establishing a cemetery for the interment of the dead westward of the metropolis, by a company to be called “The West of London and Westminster Cemetery Company :” And
- 4 & 5 Vict.
c. lxxiii. An Act to establish a general cemetery for the interment of the dead, in the parishes of Saint Dunstan Stepney and Saint Leonard Bromley in the county of Middlesex :

The Victoria Park Cemetery in the parish of Saint Matthew Bethnal Green in the county of Middlesex* : And

The Abney Park Cemetery in the parish of Saint Mary Stoke Newington in the county of Middlesex.*

[*The parts of the Act omitted are not special to London. See the Burial Act 1853, s. 7, and the Burial Acts 1852 to 1900.*]

* Now in the county of London. See 51 & 52 Vict. c. 41, s. 40.

16 & 17 VICTORIA. A.D. 1853.

CHAPTER 33.

AN ACT FOR THE BETTER REGULATION OF METROPOLITAN STAGE AND HACKNEY CARRIAGES, AND FOR PROHIBITING THE USE OF ADVERTISING VEHICLES. [28th June 1853.]

[*Preamble rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

1. [*Certificate from Commissioners necessary for obtaining licence. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

2. It shall be lawful for the said Commissioners* of Police to cause an inspection to be made, as often as they deem it necessary, of all metropolitan stage and hackney carriages, and of the horse or horses used in drawing the same, within the limits of this Act; and if any such carriage, or the horse or horses used in drawing the same, shall at any time be in a condition unfit for public use, the said Commissioners shall give notice in writing accordingly to the proprietor thereof, which notice shall be personally served on such proprietor, or delivered at his usual place of residence; and if, after notice as aforesaid, any proprietor shall use or let to hire such carriage as a metropolitan stage or hackney carriage, or use or let to hire such horse or horses whilst in a condition unfit for public use, the said Commissioners shall have power to suspend, for such time as they may deem proper, the licence of the proprietor of such carriage. . . . [*Part omitted (as to recalling plate and notice of its recall) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

3. [*Penalty for using carriage not in fit condition. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

4. The proprietor or driver of any hackney carriage within the limits of this Act shall be entitled to demand and take for the hire of such carriage the fares set forth in the Schedule (A.) to this Act annexed: Provided always, that when the proprietor or driver of any hackney carriage to be paid a fare calculated according to the distance shall be required by the hirer thereof to stop such carriage for fifteen minutes, or for any longer time, it shall be lawful for the proprietor or driver to demand and receive from the hirer so requiring him to stop a further sum (above the fare to which he shall be entitled, calculated according to the distance) of sixpence for every fifteen minutes completed that he shall have been so stopped; and no proprietor or driver shall demand or receive over and above the said fare any sum, for or by way of back fare, for the return of such carriage from the place at which such carriage shall be discharged.

5. . . . the driver of every hackney carriage within the limits of this Act shall have with him at all times when plying for hire a book or table in such form as shall be directed by the said Commissioners of Police of the fares for the hire of such carriage, which book or table the driver shall produce when required for the information of any person hiring or intending to hire such carriage. [*Part omitted (table of fares to be put up inside and outside carriage) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

6. In case of disputes as to the fare to be calculated according to the distance, any table or book signed by the said Commissioners of Police shall, on proof of such signature, be deemed and taken to be

* Now the Commissioner of Police. See 19 & 20 Vict. c. 2, s. 1.

conclusive evidence of all the distances therein stated to have been measured by the authority of the said Commissioners of Police ; and it shall be lawful for the said Commissioners to cause to be placed or erected at the several standings for hackney carriages or elsewhere within the metropolitan district, as they may deem convenient, tables of distances and fares, and such other information as may be useful to persons hiring such carriage.

As to distance drivers of hackney carriages shall be required to drive.

7. The driver of every hackney carriage which shall ply for hire at any place within the limits of this Act shall (unless such driver have a reasonable excuse, to be allowed by the Justice before whom the matter shall be brought in question,) drive such hackney carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired, or for any time not exceeding one hour from the time when hired : Provided always, that when any hackney carriage shall have been hired by time, the driver thereof may be required to drive at any rate not exceeding four miles within one hour, and if the driver of such carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in Schedule (A.) to this Act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in the same schedule.

8. [*Driver to deliver a ticket to hirer of carriage.* Rep. 55 & 56 Vict. c. 19 (S.L.R.).]

Number of persons to be carried to be painted or marked on hackney carriage.

9. . . . the driver of any such hackney carriage shall, if required by the hirer thereof, carry in and by such carriage the number of persons painted or marked thereon, or any less number of persons. [*Part omitted (number of persons allowed to be carried to be painted on carriage) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

As to quantity of luggage to be carried without extra charge.

10. The driver of every hackney carriage within the limits of this Act shall carry in or upon such carriage a reasonable quantity of luggage for every person hiring such carriage without any additional charge, except as provided in Schedule (A.) to this Act annexed.

Property left in hackney carriages to be deposited at the police office.

11. The driver of every hackney carriage within the limits of this Act wherein any property shall be left by any person shall within twenty-four hours carry such property, if not sooner claimed by the owner thereof, in the state in which he shall find the same, to the nearest police station, and shall there deposit and leave the same with the inspector or other officer on duty, upon pain that every such driver making any default herein shall be liable to a penalty not more than ten pounds, or at the discretion of the Magistrate may be imprisoned for any time not exceeding one month ; and the said officer with whom any such property shall be deposited shall forthwith enter in a book to be kept for that purpose the description of such property, and the name and address of the driver who shall bring the same, and the day on which it shall be brought ; and the property so entered shall be returned to the person who shall prove, to the satisfaction of the Commissioners of Police, that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver who brought the same as the said Commissioners shall award : Provided always, that if such property shall not be claimed by and proved to belong to some person within one year after the same shall have been deposited, the said Commissioners shall cause such property to be sold or otherwise disposed of, and the proceeds

Penalty on driver for default.

Property not claimed to be disposed of.

thereof to be paid over to the Receiver-General of Inland Revenue, to be carried to the public account, all expenses incurred about such property, together with such reasonable sum to the driver who brought the same as the said Commissioners shall award, being first paid thereout; and all property left by any passenger in any metropolitan stage carriage shall be given up to the conductor of such carriage, or, if there be no conductor, to the driver, upon pain of a penalty of ten pounds, to be paid by any person refusing or neglecting to give up any such property belonging to another person; and the conductor or driver of every such carriage to whom any such property shall be given up, or who shall himself find it in the carriage, shall within twenty-four hours carry the property, if not sooner claimed by the owner thereof, in the state in which he shall find the same to the nearest police station, and shall there deposit and leave the same with the inspector or other officer on duty, upon pain that every such driver or conductor making default herein shall be liable to a penalty not more than ten pounds, or at the discretion of the Magistrate may be imprisoned for any time not exceeding one month; and the property so deposited by any conductor or driver shall be dealt with in the same manner as property left in hackney carriages and deposited by the drivers of such carriages.

12. It shall be lawful for the said Commissioners of Police from time to time to appoint a sufficient number of fit men to enforce good order at the standings for hackney carriages, and at the places at which metropolitan stage carriages or hackney carriages shall call or ply for passengers, and at such places of public resort within the metropolitan police district as they may deem necessary; and the said Commissioners may from time to time make such orders and regulations as they shall deem expedient, subject to the approval of one of Her Majesty's principal Secretaries of State given in writing relative to the duties to be performed by such persons and the places at which each shall act; provided that the said Commissioners shall not have authority to appoint any such person to act within or upon the premises belonging to any railway company unless with the consent of the directors of the company. [See also 6 & 7 Vict. c. 86, s. 29.]

13. The said Commissioners of Police, subject to the approbation of the . . . Treasury, shall appoint wages to be paid to the said persons appointed by them to keep good order at the standings for hackney carriages and at the places at which metropolitan stage carriages or hackney carriages shall call or ply for passengers, and at such places of public resort as they may deem necessary; and the said Commissioners shall also, in such cases as they think fit, direct the water rates and the expenses of the necessary apparatus for laying on the water at the standings for hackney carriages and at places where metropolitan stage carriages usually call or ply for hire to be paid. [Part omitted (the words "Commissioners of Her Majesty's") *rep.* 55 & 56 Vict. c. 19 (S.L.R.).]

14. The proprietor of every metropolitan stage carriage shall cause to be placed inside such carriage a lamp, in such a position and manner as shall be directed by the said Commissioners of Police; and the conductor, or if there be no conductor the driver, of such carriage shall keep the said lamp properly lighted whenever such carriage shall be used to ply for hire or carry passengers at any time after sunset and before sunrise.

Printed bills,
etc. not to
be put on
metropolitan
stage or
hackney
carriages, so
as to obstruct
light, etc.

Advertising
vehicles, etc.
prohibited.

Drivers and
conductors of
metropolitan
stage
carriages,
and drivers
of hackney
carriages,
liable to
penalties for
offences
herein
named.

Power to
Police Magis-
trates or
Justices of
the Peace to
hear and
determine
offences.

15. It shall not be lawful for the proprietor of any metropolitan stage or hackney carriage to suffer any notice, advertisement, or printed bill, or any names, letters, or numbers, to appear upon the outside of any such carriage in such a manner as to obstruct the light or ventilation of such carriage, or on the inside of any such carriage in such position that any such notice, advertisement, or printed bill shall obstruct the light or ventilation of such carriage or cause annoyance to any passenger therein.

16. It shall not be lawful for any person to carry about on any carriage or on horseback or on foot, in any thoroughfare or public place within the limits of this Act, to the obstruction or annoyance of the inhabitants or passengers, any picture, placard, notice, or advertisement, whether written, printed, or painted upon or posted or attached to any part of such carriage, or on any board, or otherwise. [*See also 30 & 31 Vict. c. 134, s. 9.*]

17. The driver or conductor of any metropolitan stage carriage, or the driver of any hackney carriage, who shall respectively commit any of the following offences within the limits of this Act, shall be liable to a penalty not exceeding forty shillings for each offence, or in default of payment to imprisonment . . . :

1. Every driver of a hackney carriage who shall demand or take more than the proper fare as set forth in Schedule (A.) to this Act annexed, or who shall refuse to admit and carry in his carriage the number of persons painted or marked on such carriage or specified in the certificate granted by the said Commissioners of Police in respect of such carriage, or who shall refuse to carry by his carriage a reasonable quantity of luggage for any person hiring or intending to hire such carriage :
2. Every driver of a hackney carriage who shall refuse to drive such carriage to any place within the limits of this Act, not exceeding six miles, to which he shall be required to drive any person hiring or intending to hire such carriage, or who shall refuse to drive any such carriage for any time not exceeding one hour, if so required by any person hiring or intending to hire such carriage, or who shall not drive the same at a reasonable and proper speed, not less than six miles an hour, except in cases of unavoidable delay, or when required by the hirer thereof to drive at any slower pace :
3. Every driver of a hackney carriage who shall ply for hire with any carriage or horse which shall be at the time unfit for public use. . . .

[*Parts omitted (as to term of imprisonment) rep. by the Summary Jurisdiction Act 1884, s. 4, and (as to delivery of tickets to hirers) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

18. It shall be lawful for any one of the Police Magistrates at any of the metropolitan police courts to hear and determine all offences against the provisions of this Act, and also all disputes or causes of complaint that may arise out of the same ; or if the offence, dispute, or cause of complaint shall be committed or occur in any place not comprised within the limits of a police court district, the same may be heard and determined by two Justices of the Peace for the county ; or if the offence, dispute, or cause of complaint shall be committed or occur within the city of London, the same shall be heard and determined by one Justice of the Peace for the said city, or by a metropolitan Police-Magistrate sitting at the police court in Bow Street. . . . [*Part omitted (as to disputes between hirers and drivers) rep. 59 & 60 Vict. c. 27, s. 2.*]

19. For every offence against the provisions of this Act for which no special penalty is herein-before appointed, the offender shall be liable to a penalty not exceeding forty shillings, or in default of payment be imprisoned. . . . [Part omitted (as to term of imprisonment) rep. by the Summary Jurisdiction Act 1884, s. 4.]

Penalty for offences against this Act for which no penalty is appointed.

20. All things herein authorized to be done by the said Commissioners of Police of the Metropolis shall be done by such one of the said Commissioners as one of Her Majesty's principal Secretaries of State shall from time to time be pleased to appoint; and the words "the limits of this Act" shall include every part of the metropolitan police district and city of London.

Meaning of certain words used in this Act.

21. This Act shall be construed as one Act with the Act passed in the seventh year of the reign of Her Majesty Queen Victoria, chapter eighty-six, and the Act passed in the thirteenth year of the reign of Her Majesty, chapter seven; and all the provisions of the said Acts, except so far as is herein otherwise provided, shall extend to this Act, and to all things done in execution of this Act.

This Act to be construed with 6 & 7 Vict. c. 86, and 13 & 14 Vict. c. 7.

22. [Commencement of Act. Rep. 55 & 56 Vict. c. 19 (S.L.R.).]

SCHEDULES referred to in the foregoing Act.

RATES and FARES to be paid for any HACKNEY CARRIAGE hired at any place within the limits of this Act.

SCHEDULE (A.)

DESCRIPTION OF CARRIAGE.	FARE BY DISTANCE.		FARE BY TIME.	
	For any Distance within and not exceeding One Mile.	For any Distance exceeding One Mile.	For any Time within and not exceeding One Hour.	
With four or two wheels, drawn by one horse.	6d.	After the rate of sixpence for every mile, and for any part of a mile over and above any number of miles completed.	2s.	And for every hackney carriage drawn by two horses one third above the rates and fares herein-before mentioned.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare to be paid according to distance.

Provided that no driver shall be compellable to hire his carriage for a fare to be paid according to time at any time after eight o'clock in the evening and before six o'clock in the morning.

When more than two persons shall be carried inside any hackney carriage, one sum of 6d. is to be paid for the whole hiring in addition to the above fares. Two children under ten years of age to be counted as one adult person.

When more than two persons shall be carried inside any hackney carriage with more luggage than can be carried inside the carriage, a further sum of twopence for every package carried outside the said carriage is to be paid by the hirer in addition to the above fares.

[Amended 16 & 17 Vict. c. 127, ss. 13—15; 30 & 31 Vict. c. 134, s. 26; and 32 & 33 Vict. c. 115, s. 9.]

SCHEDULES (B.) AND (C.). [Forms of certificates as to fitness, etc., of carriages. Rep. 55 & 56 Vict. c. 19 (S.L.R.).]

CHAPTER 41.

* AN ACT FOR MAKING FURTHER PROVISIONS WITH RESPECT TO
COMMON LODGING HOUSES. [4th August 1853.]

[*Preamble (reciting 14 & 15 Vict. c. 28) rep. 55 & 56 Vict. c. 19 (S.L.R.)*]

Short title.

1. This Act may be cited for any purpose as "The Common Lodging Houses Act, 1853."

Recited Act
and this Act
to be as one.

2. The Common Lodging Houses Act, 1851, and this Act shall be construed and executed as if they were one Act.

All common
lodging
houses to be
registered
before being
used, and to
be kept only
by registered
keepers.

3. . . . a person shall not keep a common lodging house or receive a lodger therein until the house have been inspected and approved for that purpose by some officer appointed in that behalf by the local authority, and have been registered as by the recited Act provided; and a person shall not keep a common lodging house unless his name as the keeper thereof be entered in the register kept under the recited Act: Provided always, that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging house for not more than four weeks after his death without being registered as the keeper thereof. [*Part omitted (as to time for registration) rep. 55 & 56 Vict. c. 19 (S.L.R.). See also the Sanitary Law Amendment Act 1874, s. 49 (see Appendix) and 2 Edw. 7, c. clxxiii. s. 54.*]

Evidence of
register.

4. [*Local authority may refuse to register houses, if keepers do not produce certificate of character. Superseded 2 Edw. 7, c. clxxiii. ss. 46—57.*]

5. A copy of an entry made in a register kept under the recited Act, certified by the person having the charge of the register to be a true copy, shall be received in all courts and before all Justices and on all occasions whatsoever as evidence, and be sufficient proof of all things therein registered, without production of the register or of any document, act, or thing on which the entry is founded; and every person applying at a reasonable time shall be furnished gratis by the person having such charge with a certified copy of any such entry.

Power to
local
authority to
require an
additional
supply of
water to
common
lodging
houses.

6. When it appears to the local authority that a common lodging house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may by notice in writing require the owner or keeper of the common lodging house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, the local authority may remove the common lodging house from the register until it be complied with. [*See also 54 & 55 Vict. c. 76, s. 48.*]

As to removal
of sick
persons from
common
lodging
houses to
hospitals, etc.

7. When a person in a common lodging house is ill of fever or any infectious or contagious disease the local authority may cause such person to be removed to an hospital or infirmary, with the consent of the authorities thereof, and on the certificate of the medical officer of the parish, place, or district that the disease is infectious or contagious, and that the patient may be safely removed, and may, so far as the local authority think requisite for preventing the spread of disease, cause any clothes or bedding used by such person to be disinfected or destroyed, and may, if the local authority think fit, award to the owners of the clothes and bedding so disinfected or destroyed reasonable compensation for the injury or destruction

* See note to 14 & 15 Vict. c. 28.

thereof, and such compensation shall be paid to such owners by the proper officer of the parish or union in which the common lodging house is situate, out of the rates applicable to the relief of the poor of such parish, the amount of such compensation being first certified in writing upon a list of such articles. [*See also 54 & 55 Vict. c. 76, ss. 55, et seq. ; and 4 Edw. 7, c. cxliv. ss. 19, et seq.*]

8. The keeper of a common lodging house in which beggars or vagrants are received to lodge, or other person having the care or management thereof, shall from time to time, if required by any order of the local authority served on such keeper or person, report to the local authority, or to such person or persons as the said local authority shall direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the persons so ordered to report, which schedules they shall fill up with the information required, and transmit to the local authority.

Power to order reports from keepers of common lodging houses kept for beggars and vagrants.

9. [*Power to town councils, etc., to remove causes of complaint certified under Nuisances Removal, etc. Act 1848. Rep. 41 & 42 Vict. c. 79 (S.L.R.).*]

10. [*Local authorities for the city of Oxford and borough of Cambridge. Rep. by the Public Health Act 1875, s. 343.*]

11. The fourteenth section of the recited Act extends to offences against any of the provisions of this Act, so as to render the offenders liable to the penalties therein expressed, and any person convicted of any offence against the recited Act and this Act, or either of them, may, in default of payment of the penalty imposed, be imprisoned for any term not exceeding three months in the manner provided by law in that behalf. [*See the Summary Jurisdiction Act 1879, s. 5.*]

As to offences against this Act.

12. Where a keeper of a common lodging house, or a person having or acting in the care or management of a common lodging house, is convicted of a third offence against the recited Act and this Act, or either of them, the Justices before whom the conviction for such third offence takes place may, if they think fit, adjudge that he shall not at any time within five years after the conviction, or within such shorter period after the conviction as the Justices think fit, keep or have or act in the care or management of a common lodging house without the previous licence in writing of the local authority, which licence the local authority may withhold or may grant on such terms and conditions as they think fit.

Conviction for third offence to disqualify persons from keeping common lodging house.

13—14. [*Execution of Act by Justices in Petty Sessions and expenses of executing Act. Rep. 41 & 42 Vict. c. 79 (S.L.R.).*]

CHAPTER 46.

* AN ACT TO TRANSFER WESTMINSTER BRIDGE AND THE ESTATES OF "THE COMMISSIONERS OF WESTMINSTER BRIDGE" TO THE COMMISSIONERS OF HER MAJESTY'S WORKS AND PUBLIC BUILDINGS; AND TO ENABLE SUCH LAST-MENTIONED COMMISSIONERS TO REMOVE THE PRESENT BRIDGE, AND TO BUILD A NEW BRIDGE ON OR NEAR THE SITE THEREOF. [4th August 1853.]

[*Preamble recites (inter alia) that under the provisions of 9 Geo. 2, c. 29 ; 10 Geo. 2, c. 16 ; 11 Geo. 2, c. 25 ; 12 Geo. 2, c. 33 ;*

* This Act is amended by the Westminster Bridge Act 1859 (22 & 23 Vict. c. 58), which is spent.

13 Geo. 2, c. 16 ; 14 Geo. 2, c. 40 ; 15 Geo. 2, c. 26 ; 17 Geo. 2, c. 32 ; 18 Geo. 2, c. 29 ; 29 Geo. 2, c. 38 ; 30 Geo. 2, c. 34 ; the then existing bridge over the Thames at Westminster (in this Act called the present bridge) was constructed by certain Commissioners appointed for that purpose ; that by 54 Geo. 3, c. cxxxii. such Commissioners were constituted a body corporate by the name of "The Commissioners of Westminster Bridge"; and recites that by 13 & 14 Vict. c. cxii. certain repairs and a temporary bridge were authorized but that the same were not carried out, and recites the purchase by such Commissioners of the Westminster Bridge Estate out of the residue of moneys raised for constructing and maintaining the bridge ; and that the present bridge has become insecure, and that it is necessary that a new bridge should be constructed, and that it is expedient that the construction thereof should be entrusted to the Commissioners of Her Majesty's Works and Public Buildings, and that the present bridge with the Westminster Bridge Estate (being the lands set out in the first Schedule to this Act) should be vested in them ; and further recites the deposit of copies of plans of the new bridge and approaches and of an amended plan in the Parliament Office of the House of Lords and in the Private Bill Office of the House of Commons.]

1. [Repeal of Acts recited in the Preamble. Spent.]

2—8. [The Commissioners of Her Majesty's Works and Public Buildings constituted a corporation to execute Act—Vesting in such Commissioners of the present bridge with abutments, stairs, approaches, etc.—Commissioners of Works to have benefit of all covenants, etc., entered into with the Commissioners of Westminster Bridge—Dissolution of Commissioners of Westminster Bridge—Powers to Commissioners of Works to sell any premises vested in them under the Act and not required for the purposes thereof, including the materials of the present bridge, and to raise money by mortgage, and to grant leases, and as to application of monies arising under the Act. *Semble spent.*]

Power to construct bridge.

9. It shall be lawful for the said Commissioners of Her Majesty's Works and Public Buildings to construct a new bridge across the River Thames on and adjoining to the site of the present Westminster Bridge, together with all necessary and convenient piers, stairs, hards, and landing places, and also the necessary and proper streets, roads, and approaches to such new bridge at both ends thereof, as delineated and set forth in the amended plan aforesaid, including the lines of deviation as shown on the same plan, in manner herein-after mentioned, and according to such plan as aforesaid, and for the purposes aforesaid, or any of them, to dig and make proper foundations in the said river, and in the lands on each side thereof, and make dams in the said river, and cut and level the banks thereof, and remove and take away all beds of gravel, sand, mud, or other impediment whatsoever, and do and execute every other thing necessary or convenient for the purposes aforesaid or any of them ; and for the purpose of erecting, maintaining, and repairing the said intended bridge, and constructing and completing the approaches thereto, and also of keeping the present bridge in repair, the said Commissioners shall have full power and authority from time to time to land and deposit on either side of the said river, on any part of the ground which they are hereby authorized and empowered to purchase, all materials and other things to be used in or about the same, and there to work and use such materials

and things as they shall think proper, before they shall have effected a purchase of such ground, doing as little damage as may be, and (in case they shall not afterwards effect such purchase) making such satisfaction as herein-after mentioned to the respective owners and occupiers of the lands and hereditaments which shall be damaged or used for the purposes of this Act; and such bridge, when so erected, and the approaches thereto, shall be kept in repair by the said Commissioners of Her Majesty's Works and Public Buildings out of the monies coming to them under this Act. [*Spent, so far as relates to "present" bridge. As to repair of new bridge and approaches, see 50 & 51 Vict. c. 34, s. 2.*]

10. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings to make and construct piers, stairs, and landing places at either end of the said intended bridge, or at any of the piers of the said bridge. Landing places to be constructed.

11—12. [*Power to Commissioners to take places for depositing materials—Deposit of amended plan at the Office of Works. Spent.*]

13. Ss. 9, 11—18, 20, 23—56, 59, 63—67, 90—108, 113 and 116 of 9 & 10 Vict. c. 39, applied to this Act. See notes on those sections which apply here.]

14. If any person shall wilfully or maliciously damage or injure the present bridge, or any pier, stairs, hard, or landing place belonging thereto, or shall wilfully or maliciously damage or injure the said intended new bridge, or any pier, stairs, hard, or landing place, or any works, matters, or things to be constructed or provided under the provisions of this Act, or any part thereof respectively, or shall wilfully or maliciously, and without authority from the said Commissioners, remove or take away any works, matters, or things thereunto respectively belonging, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said bridges or either of them, or the piers, stairs, hard, or landing places, or the works, matters, or things thereof respectively, may be damaged, any person so offending shall be judged guilty of felony; and every such person so offending, and being thereof lawfully convicted, shall be subject to the like punishments and penalties as in cases of felony; and the Court by or before whom such person shall be tried and convicted shall have power and authority to cause such person to be punished in like manner as felons are directed to be punished by the laws and statutes of this realm, or, in mitigation of such punishments, such Court may award such sentence as the law directs in cases of petty larceny. [*Spent, as regards "present" bridge. See the Larceny Act 1861, s. 2; the Malicious Damage Act 1861, s. 33; and 45 Vict. c. lvi. s. 41.*]

Punishment of persons guilty of wilful damage.

15. In case any damage or mischief shall be done to the said bridges, or either of them, or to any such piers, stairs, hard, or landing places as aforesaid, or any of the works, matters, or things to be constructed or provided under the provisions of this Act, or any part thereof respectively, by any ship, lighter, barge, boat, float, raft, or vessel, through the wilful negligence of any person having the command of any such ship, lighter, barge, boat, float, raft, or vessel, or any of the mariners or persons employed therein, then and in every such case the owner of such ship, lighter, barge, boat, float, raft, or vessel shall be and is hereby made answerable to the said Commissioners for the amount of value of any such damage or

Owners of vessels liable for damage done to the bridges, etc.

mischief; and the same, provided it shall not exceed the sum of twenty pounds, if not forthwith paid and satisfied, shall and may be recovered in such manner as the penalties and forfeitures hereby imposed are in and by this Act directed to be recovered. [*Spent, as regards "present" bridge.*]

Masters to recover from their servants any damages paid for their neglect, etc

16. In case the owner of any such ship, lighter, barge, boat, float, raft, or vessel shall be compelled to pay any penalty, or to make satisfaction for any damages, by reason of any neglect or default done or committed by his servants or mariners, or any of them, such servants or mariners and each and every of them shall be liable to pay such penalty or damages (with the costs thereof) to such owner; and in case of nonpayment upon demand thereof, and oath made by such owner of the payment made by him of such penalty, satisfaction, or damages, and that the same and the costs thereof have not been repaid to him by such servants or mariners or any of them, although demanded, (such oath to be made before any one or more Justice or Justices of the Peace of the county or place where such penalty or satisfaction shall have been recovered,) the amount thereof, provided the same shall not exceed the sum of twenty pounds, shall be recovered in the same manner as any penalty is hereby directed to be recovered.

17. [*Injuries to bridge and obstruction of passengers. Semble superseded 18 & 19 Vict. c. 120, ss. 206, 207: the Malicious Damage Act 1861, s. 33; and 2 & 3 Vict. c. 47, s. 54.*]

18. [*Ground laid into streets to form part of public roadway.*]

19—20. [*Houses not in schedule not to be taken without consent—Commissioners to keep up communication between Middlesex and Surrey shores till new bridge built, and to take down and remove present bridge and sell materials. Spent.*]

21. [*Bridge to be part in Lambeth and part in Saint Margaret's, Westminster—Bridge not to be rated nor to be deemed county Bridge—Commissioners to mark boundaries of counties thereon. Spent; and see 58 & 59 Vict. c. cxxvii. s. 46.*]

Damages, etc., in case of dispute, to be settled by a Justice of the Peace.

22. In all cases wherein damages or charges in respect of acts or offences done or committed upon or relating to the said bridge, piers, stairs, hards, or landing places are by this Act directed or authorized to be paid, and the manner of ascertaining the amount thereof is not specified or provided for, such amount, in case of nonpayment thereof, or of any dispute respecting the same, shall be ascertained and determined by some Justice of the Peace for the said county of Surrey* or the county of Middlesex,* according to the part of the bridge where the act or offence was committed (such Justice not being interested in the matters in question); and where by this Act any such damages or charges are directed to be paid, in addition to any penalty for any offence, the amount of such damages and charges, in case of nonpayment thereof, or of any dispute respecting the same, shall be settled and determined by the Justice by or before whom any offender shall be convicted of such offence; and such Justice is hereby authorized and required, on nonpayment of the damages, in any of the cases aforesaid, to levy such damages and charges by distress and sale of the offender's goods and chattels, in manner by this Act directed for the levying of any penalties or forfeitures.

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40.

23. With respect to the recovery of damages and penalties and forfeitures not hereby otherwise specially provided for, all and singular the clauses and provisions in "The Companies Clauses Consolidation Act, 1845,"* relating to the recovery of damages, penalties, and forfeitures, and the application thereof, shall, so far as the same are applicable to damages, penalties, and forfeitures imposed or made recoverable by this Act, be considered as incorporated with this Act, and for that purpose the said Commissioners of Her Majesty's Works and Public Buildings shall be considered to be a company; provided nevertheless, that it shall not be necessary for the said Commissioners to publish any list or particulars of the penalties hereby imposed, as required by the said "Companies Clauses Consolidation Act, 1845;" And provided also, that the share of penalties and forfeitures which by the said Act are directed to be applied for the benefit of the poor shall in lieu thereof be paid to the said Commissioners of Her Majesty's Works and Public Buildings for the purposes of this Act. [See 2 & 3 Vict. c. 71, s. 4.]

Damages not otherwise provided for, provisions of 8 & 9 Vict. c. 16. to apply.

Application of penalties.

24—26. [*Receipts of Commissioners of Works—Compensation to officers of Westminster Bridge Commissioners—For the protection of Mr. Simmond's wharf. Spent.*]

27. It shall be sufficient for all purposes to cite this Act as "The Westminster Bridge Act, 1853."

FIRST SCHEDULE. [*Rent roll of the Commissioners of Westminster Bridge at Lady Day 1853.*]

SECOND SCHEDULE. [*Description of lands to be taken. Spent.*]

CHAPTER 87.

AN ACT TO GIVE TO THE COMMISSIONERS OF HER MAJESTY'S WORKS AND PUBLIC BUILDINGS EXTENDED TIME AND FURTHER POWERS FOR COMPLETING THE EMBANKMENT OF THE RIVER THAMES BETWEEN VAUXHALL AND BATTERSEA BRIDGES, AND A NEW STREET FROM LOWER SLOANE STREET IN CONNEXION THEREWITH. [20th August 1853.]

[*Preamble recites 9 & 10 Vict. c. 39, the Crown Lands Act 1851, and 15 & 16 Vict. c. 71; and that the Commissioners of Works had altered the original plans of the embankment and roadway proposed by 9 & 10 Vict. c. 39; and that it is expedient that the Commissioners should now be authorized to complete the whole of the said embankment and roadway and new street: and that the powers by 9 & 10 Vict. c. 39 conferred with reference to the original plans and designs and to the hereditaments comprised in the schedule to such Act should be extended to the amended plans and designs, and to the hereditaments comprised in the schedule of this Act.*]

1. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings, subject as after mentioned, to construct and complete an embankment and roadway along the north bank of the River Thames from Battersea Bridge to Vauxhall Bridge, or any part or parts of such embankment and roadway, according to the said amended plans and designs, and also to complete such new street as in the said first-recited Act is mentioned.

Commissioners empowered to complete the embankment and roadway according to the amended plans.

* Largely repealed and replaced by the Summary Jurisdiction Acts. See the Summary Jurisdiction Act 1884, s. 4.

Powers of
recited Acts
extended to
this Act.

2. For the purposes of this Act all the enactments of the said recited Acts, except so far as the same are varied by or inconsistent with the provisions of this Act, shall be considered as herein repeated, with the substitution of the said amended plans and designs for the plans and designs mentioned in the said first-recited Act, and of the schedule annexed to this Act for the schedule annexed to the said first-recited Act, and of the Commissioners of Her Majesty's Works and Public Buildings for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings. . . . [*Part omitted (compulsory powers to take lands limited to four years) spent.*]

3—8. [*Powers to construct embankment and roadway on bed and shore of the Thames between Cadogan Pier and Battersea Bridge—Agreement with the Chelsea Waterworks Company as to contributions—Embankment and roadway, except as authorized by 9 & 10 Vict. c. 39, not to be commenced until such agreements as the Treasury think proper are entered into—Powers to construct embankment and roadway, except so much as authorized in 9 & 10 Vict. c. 39, to cease unless such agreements had been entered into by 1st July 1854—Confirming an agreement with Thomas Cubitt. Spent.*]

9. [*As to the appropriation of certain lands between the roadway and the river, and maintenance of the same, and of fences as shown on a plan deposited with the Clerk of the Peace for Westminster and the said Commissioners.*]

Penalty on
owners, etc.
of certain
lands erecting
steam engines
or structures
thereon.

10. If the owner or occupier for the time being of any of the lands coloured brown on the said plan shall erect or permit or suffer any steam engine or structure (except cranes or travellers) to be erected on the said lands coloured brown on the said plan, contrary to the provisions of this Act, then and in every such case such owner or occupier shall for every such offence forfeit and pay any sum not exceeding forty shillings for each and every day during which such steam engine or structure shall remain on the said lands or any part thereof, one moiety whereof shall be paid to the informer, and the other moiety whereof shall be applied in such manner as other penalties and forfeitures are by this or by the firstly herein-before recited Act directed to be applied.

11. [*As to completion of a portion of the embankment by Thomas Cubitt within eighteen months. Spent.*]

Thomas
Cubitt, with
consent,
may make
laybyes for
vessels on
a portion of
the lands
coloured
brown on
the plan.

12. It shall be lawful for the said Thomas Cubitt, with the previous consent in writing of the Commissioners or Chief Commissioner for the time being of Her Majesty's Works and Public Buildings, to convert a certain portion or certain portions of the lands coloured brown on the said plan into a recess or recesses to be used as a laybye or laybyes for barges and other vessels: Provided always, that such consent may be given subject to such special stipulations and conditions for the use and maintenance of such laybye or laybyes as the said Commissioners or Chief Commissioner for the time being shall from time to time order or prescribe.

Short title.

13. It shall be sufficient for all purposes to cite this Act as the "Thames Embankment Act 1853."

SCHEDULE. [*Description of lands to be taken. Spent.*]

CHAPTER 127.

AN ACT . . . TO MAKE PROVISION AS TO THE CHARGE FOR THE HIRE OF HACKNEY CARRIAGES IN CERTAIN CASES.

[20th August 1853.]

[*Title in part and preamble, rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

1—12. [*Duties, licences, plates, etc. Rep. by the Revenue Act 1869, s. 39.*]

13. It shall be lawful for the driver of any hackney carriage within the limits of this Act to charge one shilling per mile for every mile (or part of a mile) which he shall be required to drive beyond the circumference of a circle the radius of which shall be four miles from Charing Cross, provided such carriage shall be discharged beyond such circumference, anything contained in the thirty-third chapter of an Act of the sixteenth and seventeenth year of the reign of Her present Majesty, or in the schedule thereto, notwithstanding. [*See also 32 & 33 Vict. c. 115, s. 9.*]

Is a mile to be paid for every mile beyond the circumference of a circle four miles from Charing Cross if carriage be discharged beyond such circumference.

14. Whenever more than two persons shall be conveyed by any hackney carriage drawn by one horse only, a sum of sixpence for each person above the number of two shall be paid for the whole hiring in addition to the fare now directed to be paid for two persons under the said Act of the sixteenth and seventeenth year of the reign of Her present Majesty, chapter thirty-three; and two children under ten years old shall be considered as one adult person for the purposes of this clause. [*Note to s. 13 applies.*]

Where more than two persons are conveyed in a hackney carriage drawn by one horse, *6d.* in addition to the fare to be paid for each person above two for the whole hiring.

15. When any hackney carriage within the limits of this Act hired for a fare to be paid according to time shall be hired or used by the hirer thereof for any longer time than one hour, sixpence shall be paid for every fifteen minutes, or any portion of fifteen minutes not completed, above one hour. [*Note to s. 13 applies.*]

When carriage hired by time, *6d.* to be paid for every fifteen minutes, or portion thereof, over the hour.

16. The proprietor of every hackney carriage or metropolitan stage carriage licensed to ply for hire within the limits of this Act who shall withdraw his carriage from hire for two consecutive days, or for any two days in one week, without just cause, of which the Magistrate before whom the complaint is heard shall be the judge, shall be liable to a penalty of a sum not exceeding twenty shillings in respect of every carriage for each day he shall so withdraw the same, and the licence of such proprietor shall be suspended or recalled and taken away at the discretion of the said Commissioners of Police*: Provided always, that it shall be lawful for such proprietor, upon giving ten days notice to the Commissioners of Police, to withdraw his carriage from hire. [*See also 32 & 33 Vict. ss. 6 and 15.*]

Proprietors of hackney carriages withdrawing carriages from hire beyond a certain time liable to a penalty.

17. The limits of this Act shall be deemed to be and to include every part of the metropolitan police district and the city of London; and all provisions of any former Act in force referring to hackney carriages licensed under the said Act of the first and second years of His late Majesty, or to hackney carriages kept, used, employed, or let to hire within the distance of five miles from the General Post Office in the city of London, or to any act, matter, or thing committed or done in relation to such hackney carriages within the said distance, shall . . . be deemed to refer

"The limits of this Act" defined.

* Now the Commissioner of Police. See 19 and 20 Vict. c. 2, s. 1.

and apply to hackney carriages licensed under this Act, or to hackney carriages kept, used, employed, or let to hire within the limits of this Act, and to any act, matter, or thing committed or done in relation to hackney carriages within the said limits. [*Words omitted* (“*from and after the passing of this Act*”) *rep.* 55 & 56 *Vict. c.* 19 (*S.L.R.*).]

18. [*Only Inland Revenue or Metropolitan Police to prosecute under Act, rep. by the Revenue Act 1869, s. 39.*]

17 & 18 VICTORIA. A.D. 1854.

CHAPTER 33.

* AN ACT TO PLACE PUBLIC STATUES WITHIN THE METROPOLITAN POLICE DISTRICT UNDER THE CONTROL OF THE COMMISSIONERS OF . . . WORKS. . . . [10th July 1854.]

[*Preamble and part of title rep.* 55 & 56 *Vict. c.* 19 (*S.L.R.*).]

Interpreta-
tion of terms. 1. In the construction of this Act the words “metropolitan police district” shall be understood to describe the district defined under that name by an Act of Parliament passed in the tenth year of the reign of His late Majesty King George the Fourth, chapter forty-four; the words “public statue” shall be taken to include all the statues mentioned in the schedule to this Act, or which may hereafter be erected, either wholly in part, within any such public place as after mentioned; the words “public place” shall be taken to include any street, square, court, or other like place within the metropolitan police district into or upon or over which there is any public right of ingress, egress, and regress, or thoroughfare.

Commis-
sioners of
Works may
erect statues
in any public
place, and
enclose, etc.
the same;
and may also
repair public
statues, etc. 2. It shall be lawful for the said Commissioners, or their workmen or agents by their order, by and out of any monies appropriated or to be appropriated for that purpose by Parliament, to erect in any public place any statue, and to enclose the same and the pedestal thereof and any surrounding space with any fence or railing in all respects as they may think fit.

3. It shall be lawful for the said Commissioners to restore, amend, or repair any public statue, and the pedestal thereof, and the fence or railing surrounding the same, by and with any monies for that purpose from time to time appropriated by Parliament.

Commis-
sioners of
Works may
do all Acts
necessary for
the erection
or reparation
of public
statues. 4. It shall be lawful for the said Commissioners, or their agents or workmen by their orders, to do all acts necessary for the erecting, repairing, restoring, or amending any public statue, and also to enter any public place for the purpose of erecting any public statue, or for restoring, amending, and repairing any public statue, and the railings and other fences surrounding the same, as the said Commissioners shall think fit, and generally to make, do, execute, and perform all such acts, works, matters, and things as shall be thought necessary by the said Commissioners, or their agents, for the erection, restoration, or repair of any public statue.

* See also the Ancient Monuments Protection Acts 1882 and 1900, and 61 & 62 *Vict. c.* cxxi. s. 60.

5. No public statue shall . . . be erected in any public place without the written assent of the said Commissioners. [*Words omitted (after the passing of this Act) rep. 55 & 56 Vict. c. 19 (S.L.R.).*] No public statue to be erected without the assent of the Commissioners.

6. [*Punishment of persons damaging any public statue. Rep. by the Criminal Statutes Repeal Act 1861, s. 1.*]

7. It shall be lawful for the owners of any statue not mentioned in the schedule to this Act, but which is or may be situated within the metropolitan police district, with the assent in writing of the . . . Treasury, to transfer such statue to the Commissioners of . . . Works . . . ; and upon the completion of such transfer, the statue so transferred shall be deemed to be a public statue within the intent and meaning of this Act as fully and effectually as if such statue had been expressly mentioned in the schedule hereto. [*Words omitted rep. 55 & 56 Vict. c. 19 (S.L.R.).*] Owners of statues not mentioned in schedule may transfer them to Commissioners of Works, with the assent of the Treasury.

The SCHEDULE referred to by the above Act.

City of Westminster, Saint Margaret and Saint John.

Statue of King James the Second in Whitehall Gardens, at the rear of Whitehall Chapel.

Statue to the Right Honourable George Canning, erected in Parliament Square, facing New Palace Yard.

Saint Martin in the Fields and Saint Anne Soho.

Equestrian Statue of King Charles the First at Charing Cross.

Equestrian Statue of King George the Third in Pall Mall East.

Equestrian Statue of King George the Fourth in Trafalgar Square.

Column and Statue to Viscount Nelson, Trafalgar Square.

Equestrian Statue to the Duke of Wellington on the Arch at Hyde Park Corner.

Saint George Hanover Square.

Statue in Hyde Park in commemoration of the victories of the Duke of Wellington.

Saint James'.

Statue of King George the Second in Golden Square.

Tower Division.

Statue of the Duke of Wellington on "Tower Green."

Holborn Division. Suffron Hill Liberty. Saint Clements Danes.

Statue of George the Third in the quadrangle of Somerset House.

Saint Andrew's Holborn.

Statue of Queen Anne, situate in Queen Square, Saint George the Martyr.

Saint Marylebone.

Statue of the Duke of Kent, Park Crescent Gardens, Portland Place.

County of Kent, Greenwich.*

Statue to His Majesty King George the Second in the square of the Royal Hospital.

Chelsea.

Statue of King Charles the Second in the grounds of Chelsea Hospital.

* Now the county of London. See 51 and 52 Vict. c. 41, s. 40.

CHAPTER CLXIX.

* AN ACT FOR THE PROVISION REGULATION AND MAINTENANCE OF
COUNTY INDUSTRIAL SCHOOLS IN MIDDLESEX.

[24th July 1854.]

[Preamble.]

Interpreta-
tion of terms.

1. In the construction of this Act the following words shall have the meanings hereby assigned to them respectively unless there be anything in the subject or context repugnant to such construction namely—

The words “General or Quarter Sessions” shall include any adjournment thereof.

The word “parish” shall mean any parish township vill tithing, extra parochial place or place maintaining its own poor.

The word “Justice” shall mean Justice of the Peace.

The word “guardians” shall mean guardians governors directors managers or acting guardians entitled to act in the ordering of relief to the poor out of poor rates.

The words “industrial school” shall mean industrial school provided under this Act.

[Part omitted (definition of “juvenile offender”) rep. 38 & 39 Vict. c. lxxxvii. s. 2.]

2—3. [Middlesex Justices to give notice before end of 1855 of intention to appoint and at next General or Quarter Sessions thereafter to appoint a committee to provide an industrial school. Spent.]

Justices may
provide
separate
female
industrial
schools.

4. The Justices of the said county at any General or Quarter Sessions to be held after like public notice directed to be given at the next preceding Sessions may determine on providing a separate county industrial school for females and may appoint a separate committee for erecting or providing and managing such county female industrial school and all the provisions herein contained for erecting and providing and managing county industrial schools and in any way relating thereto shall apply also to such county female industrial school and the committee and management thereof.

5—7. [As to annual election and meetings of Visitors. Superseded by the Municipal Corporations Act 1882, s. 22, and 51 & 52 Vict. c. 41, ss. 75 and 82.]

Visitors to
appoint
a clerk.

8. Every committee of visitors shall appoint a clerk at such a salary or remuneration as such visitors think fit and may from time to time if and when they think fit remove any clerk appointed by them or any future clerk and in any such case or in case of the death or resignation of any such clerk shall appoint a new clerk and the clerk to any committee of visitors may also be the clerk of any industrial school and any clerk to any committee of visitors shall unless he sooner die resign or be removed continue in office so long as such committee shall continue in office.

9—10. [Committee of visitors to continue until first meeting of new committee—Vacancies in committee. Superseded 51 & 52 Vict. c. 41, ss. 3 (vii.) and 82; see also *ibid.* s. 65.]

Where accom-
modation of
existing
industrial
school is
inadequate.

11. The Justices of the said county may at any General or Quarter Sessions if it shall appear to them that the industrial school

* See 51 & 52 Vict. c. 41, ss. 3 (vii.) and 78; see also the Industrial Schools Act 1866 and amending Acts.

or schools are inadequate or unfit for the proper accommodation of the juvenile offenders of the said county resolve that it is expedient to enlarge any existing industrial school or schools or to provide a new or additional industrial school or new or additional industrial schools in like manner as hereinbefore directed and may appoint a separate committee for enlarging any such industrial school or schools as aforesaid or for erecting or providing and for managing such new or additional school or schools but no further steps for enlarging any existing school or schools or for erecting or providing such additional industrial school or schools as last mentioned shall be taken without the consent in writing of one of Her Majesty's principal Secretaries of State.

12. [*Committee to make contracts subject to approbation of Quarter Sessions. Superseded 51 & 52 Vict. c. 41, ss. 3 (vii.), 80, and 82.*]

13. Any committee of visitors (subject to such approbation as aforesaid) may purchase in perpetuity and take a conveyance from any person having absolute power to sell and convey any lands or buildings in consideration of a yearly rent charge or annual sum to be limited to such person his heirs and assigns or as he or they shall direct out of the lands or buildings to be purchased and the same shall accordingly be conveyed . . . subject thereto and to powers of distress and entry for securing the same. [*See also 51 & 52 Vict. c. 41, s. 79 (3).*]

Power to
visitors to
purchase in
consideration
of a rent
reserved.

14. Any industrial school to be provided for the said county may be without the limits of the said county and when all or any part of such industrial school shall be situate within the limits of any other county then and in every such case the Justices of the said county of Middlesex shall have full power and authority to act in such other county as far as concerns the regulation and management of such industrial school and the powers hereby conferred in the like manner as if such industrial school and every part thereof were situate within the county of Middlesex.

School may
be erected
beyond the
limits of the
county.

15. [*Rating of schools. Rep. by the Middlesex County Council Act 1898, s. 26.**]

16. The provisions of "The Lands Clauses Consolidation Act 1845" with respect to the purchase of lands by agreement and with respect to the purchase money or compensation coming to parties having limited interests or prevented from treating or not making title and all other provisions of the said Act applicable to and in case of the purchase of lands by agreement shall be incorporated herewith and all parties by the said provisions empowered to sell any lands may give lands in exchange for the purposes hereof for other lands and enter into all necessary agreements for that purpose and on any exchange money may be paid by either party by way of equality of exchange and the provisions with respect to purchase money or compensation coming to parties having limited interests or prevented from treating or not making title shall apply to any money coming to any such parties on exchange . . . and any conveyance to be so made shall have the like force and effect as a

Certain pro-
visions of
8 & 9 Vic.
c. 18
incorporated.

* S. 26 of the Middlesex County Council Act 1898 is as follows: "Section 15 of the Middlesex Industrial Schools Act 1854 is hereby repealed and the industrial school at Feltham and any additional buildings erected or to be erected shall while used for the purpose of an industrial school be assessed to county parochial district and other rates made after the commencement of this Act upon the same basis and to the same extent as other lands and buildings in the same parish or district."

conveyance made under section eighty-one of the said "Lands Clauses Consolidation Act." [*Part omitted (conveyance to five or more visitors) superseded 51 & 52 Vict. c. 41, s. 79 (2).*]

17—20. [*Appointment of new trustees of lands purchased—Visitors may order repairs up to £400, may sell lands and obtain release from contracts with consent of Secretary of State. Superseded 51 & 52 Vict. c. 41, ss. 3 (vii.), 64 (3), 79 (3), and 80.*]

Plans, etc. to be submitted to and approved by the Secretary of State.

21. Every committee of Justices or visitors shall submit all plans and contracts for building or providing or enlarging an industrial school and all contracts for purchases of lands or buildings for any such purpose to one of Her Majesty's principal Secretaries of State and shall submit to one of such Secretaries of State estimates of the costs and expenses of carrying into execution such plans and no such agreement contract or plan shall be carried into effect until the same has been approved by such Secretary of State in writing under his hand.

22. [*Visitors not to be interested in contracts. Superseded by the Municipal Corporation Act 1882, s. 22, and 51 & 52 Vict. c. 41, s. 75.*]

23—28. [*Powers to raise moneys on mortgage. Semble superseded by the London County Council (Money) Acts 1875 to 1904.*]

Committee of visitors to prepare general rules and submit them to Secretary of State and to make regulations pursuant to such rules.

29. Every committee of visitors shall within twelve months after the first appointment of such committee for the purpose of providing an industrial school prepare and submit general rules for the government of the industrial school under their superintendence to one of Her Majesty's principal Secretaries of State for his approval and such rules when approved by him shall be printed and observed and every such committee shall have power with the like approbation to alter and vary such rules from time to time as they think necessary and every such committee shall make from time to time such regulations and orders as they think fit not inconsistent with the general rules for the time being in force for the management and conduct of the industrial school. Provided always that if any juvenile offender shall be of a religious persuasion differing from that of the Established Church a minister of such persuasion at the special request of such juvenile offender or at the special request of his or her parents shall be allowed to visit him or her at proper and reasonable times under such restrictions imposed by the committee of visitors as shall guard against the introduction of improper persons and shall prevent improper communications.

Visitors to appoint a chaplain.

30. The committee of visitors of every industrial school hereafter to be erected or provided under this Act shall appoint a chaplain for the same who shall be in priest's orders and shall be licensed by the bishop of the diocese and such chaplain or his substitute approved by the committee of visitors shall perform and celebrate in the chapel of or in some convenient place within or belonging to such industrial school divine service according to the rites of the Church of England as established by law on every Sunday Christmas Day and Good Friday and shall also perform and celebrate such service within the said industrial school at such other times and also such other services according to the rites of the Church of England as established by law at such times as the committee of visitors shall direct but no clergyman so nominated shall officiate in any industrial school until he shall have obtained a license for that purpose from

the bishop of the diocese wherein such industrial school is situated nor for any longer time than while such license shall continue in force and a notice of every such nomination shall within one month after it shall take place be transmitted to the bishop by the Clerk of the Peace * and the committee of visitors shall appoint a medical officer who may be resident in such industrial school and a treasurer clerk superintendent master and matron of such school and such other officers and servants for such school as the committee of visitors may think fit and the committee of visitors shall have power to remove such chaplain medical officer treasurer clerk superintendent master matron or any other officer or servant and shall from time to time upon every vacancy by death removal or otherwise in the office of the chaplain medical officer treasurer clerk superintendent master matron or other officer appoint some other person to such office subject to the conditions and restrictions affecting the original appointment to such office and may from time to time fill up or not as in their discretion they may think fit vacancies among other officers and servants of such industrial school and the committee of visitors of such school shall from time to time fix the salaries and wages to be paid to such chaplain treasurer clerk superintendent master matron and other officers and servants of such school which salaries and wages shall be paid out of the rates lawfully applicable to the building repairing or maintaining such industrial school.

Visitors to
appoint a
medical
officer and
such other
officers and
servants as
they think fit.

31. In case any chaplain clerk superintendent master matron or other officer or servant of any such industrial school shall become from confirmed sickness age or infirmity incapable of executing the duties of his or her office or shall have been an officer or servant in such industrial school for not less than twenty years and shall be not less than sixty years of age, the Justices of the said county assembled at the General or Quarter Sessions not being less than five if in their discretion they shall think fit so to do but not otherwise may grant to such chaplain clerk superintendent master matron or other officer or servant such annuity as they in their discretion may think proportionate to the merits and time of service of such chaplain clerk superintendent master matron or other officer or servant (whether incapable from sickness age or infirmity or retiring from long service and age) and may order the payment thereof out of the rates lawfully applicable to the building or repairing or maintaining such industrial school Provided always that the annual amount paid by way of superannuation or allowance to any retired chaplain clerk superintendent master matron or other officer or servant shall be made according to the scale set forth in the Act of the fourth and fifth William the Fourth chapter twenty-four. [*Amended*; 38 & 39 Vict. c. lxxxvii. s. 4; and see 51 & 52 Vict. c. 41, s. 119 (1).]

Justices may
grant super-
annuation to
the superin-
tendent, etc.

32. The committee of visitors of every industrial school shall previously to every Quarter Sessions audit the accounts of the treasurer and clerk of such industrial school and shall submit the same to the court at such sessions and send the same once a year to one of Her Majesty's principal Secretaries of State. [*Amended* 38 & 39 Vict. c. lxxxvii. s. 4.]

Visitors to
audit
accounts.

33. Not less than three members of every committee of visitors shall together once at the least in every month inspect every part of the industrial school of which they are visitors and see and

Three visitors
at least to
visit once in
every month.

* See 51 & 52 Vict. c. 41, ss. 3 (vii.) and 78.

examine as far as circumstances will permit every inmate therein and the general books kept in such industrial school and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the condition and management of such industrial school and the inmates therein and shall sign such book upon every such visit. [*Amended 38 & 39 Vict. c. lxxxvii. s. 4.*]

34. [*Visitors to report annually to Quarter Sessions. Superseded 51 & 52 Vict. c. 41, ss. 3 and 82 (2).*]

35. [*Judges and Justices authorised to send children to industrial school. Rep. 38 & 39 Vict. c. lxxxvii. s. 3.*]

Power of
committee
to detain
juvenile
offenders
sent to them.

36. Every juvenile offender sentenced to detention as aforesaid may be legally detained in any industrial school during the term of his or her sentence and if he or she shall abscond from such school or wilfully neglect or refuse to abide by or conform to the rules thereof it shall be lawful for any magistrate of the police courts of the metropolis or for any two or more Justices in Petty Sessions acting for the county, city, riding, or division wherein the said offender shall actually be at the time he or she shall so abscond or neglect or refuse as aforesaid upon due proof thereof made before him or them upon the oath of one credible witness by warrant to commit such offender for every such offence to any house of correction for the said county, city, riding, or division with or without hard labour for any period not exceeding one calendar month for the first offence and not exceeding three calendar months for the second or any subsequent offence and after the expiration of any such imprisonment every such offender shall be remitted to the original sentence and shall undergo the residue thereof; Provided always that if the Committee of Visitors shall be willing to receive any such offender in lieu of his or her being imprisoned as aforesaid any such Police Magistrate or Justices as aforesaid may by warrant direct such offender to be sent back to such industrial school there to undergo the residue of his original sentence and it shall be lawful for the committee of visitors of such industrial school to pay the expenses of recapturing such offender and bringing him or her back to such industrial school and the same shall be defrayed out of any rates lawfully applicable to the maintenance of such school provided also that the time during which such offender shall have absconded or have been imprisoned as aforesaid shall not be reckoned as part of the original sentence.

Children may
be provided
for after the
term of
sentence
is expired.

37. It shall be lawful for the committee of visitors of any industrial school if they shall think fit on the expiration of the period for which any juvenile offender shall have been detained in such industrial school to pay on account and for the benefit of but not to, such offender any sum not exceeding five pounds, such sum to be expended in clothing or tools, or in any other way which shall seem to such committee desirable with a view to enable such offender to obtain an honest livelihood and such sum shall be paid out of any rates lawfully applicable to the maintenance of such school. [*See also 38 & 39 Vict. c. lxxxvii. s. 7, and the Reformatory and Industrial Schools Act 1891, s. 1.*]

Justices may
make order
for main-
tenance on
parents or
guardians.

38. On application made by or on behalf of the treasurer of the county of Middlesex * it shall be lawful if they so think fit for any two or more Justices in Petty Sessions of the county, riding, division, liberty, city, or borough in which the father, stepfather,

* See 51 & 52 Vict. c. 41, ss. 3 (vii.) and 78.

grandfather, mother or grandmother of any juvenile offender detained in such industrial school shall dwell to make an order upon such father, stepfather, grandfather, mother or grandmother being of sufficient ability for the payment to such treasurer or to some person on his behalf of any sum of money (not exceeding three shillings a week) towards the maintenance of such offender in such school and during his or her detention therein provided that any person aggrieved by any such order shall have the like right of appeal in all respects as the father or other relation of any chargeable poor person upon whom an order of maintenance may be made or by virtue of the Act of the forty-third year of Queen Elizabeth intituled "An Act for the relief of the Poor," or of any subsequent statute for the amendment of the same and all powers given by the said statute of Queen Elizabeth or any subsequent statute for the amendment thereof to overseers or guardians of the poor for the enforcement of such last mentioned order of maintenance shall be had and exercised by the treasurer of the said county of Middlesex for the enforcement of the order made in pursuance of this Act upon the father or other relation of such juvenile offender. [*As to appeals, see also Summary Jurisdiction Acts.*]

39. In case of the death of any juvenile offender in any industrial school notice and statement of the death and cause of the death of such juvenile offender and the name of any person or persons who was or were present at the death shall be drawn up and signed by the clerk and medical officer of such industrial school and a copy thereof shall be by the clerk transmitted to the registrar of deaths for the district within twenty-four hours of the death. [*Amended 38 & 39 Vict. c. lxxxvii. s. 4.*]

In case of death notices to be sent to the registrar of deaths.

40. The said industrial schools shall be at all times open to the inspection of any person duly authorised for that purpose by one of Her Majesty's principal Secretaries of State.

Schools may be inspected by order of Secretary of State.

41. [*Power to Middlesex Justices to visit schools. Superseded by 51 & 52 Vict. c. 41, s. 3 (vii.).*]

42. If any superintendent officer or servant in any industrial school shall through wilful neglect or connivance permit any person to quit or escape therefrom or be at large or shall secrete or abet or connive at the escape of any such person he shall be guilty of misdemeanour and shall be subject to indictment for every such offence, or for every such offence, on summary conviction thereof before two Justices of the Peace, shall forfeit and pay any sum not more than twenty pounds or less than two pounds.

Penalty on officers, etc., allowing escapes.

43. [*Visitors may sue and be sued in the name of their clerk. Spent. See 51 & 52 Vict. c. 41, s. 79 (1).*]

44. It shall be lawful for the clerk to any committee of visitors of any industrial school by their order to prosecute or proceed against any person for any offence against this Act committed by any officer or servant belonging thereto or employed therein and such clerk acting as the prosecutor or complainant in any such prosecution or proceeding shall be competent to bear witness therein in the same manner as if he were not such prosecutor or complainant and no such prosecution or proceeding shall abate or be discontinued by reason of the death or removal of such clerk but his successor shall come and be in his place.

Clerk to visitors may prosecute for offences.

Recovery and
application
of penalties.

45. All penalties and forfeitures imposed hereby shall and may be recovered summarily before two Justices in manner provided by the Act of the twelfth year of Her Majesty "to facilitate the performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders" and such penalties and forfeitures when recovered upon proceedings taken by the clerk to the committee of visitors of any industrial school shall be paid to the treasurer of the county to be by him applied in aid of the county rate.

46. [*Expenses of Act. Spent.*]

SCHEDULE. [*Form of mortgage. Semble spent. See note on ss. 23—28.*]

18 & 19 VICTORIA. A.D. 1855.

CHAPTER 120.

* AN ACT FOR THE BETTER LOCAL MANAGEMENT OF THE METROPOLIS.
[14th August 1855.]

[*Preamble. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

1. [*Repeal of the Vestries Act 1831 (so far as regards the metropolis). Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

2. [*Vestries in the metropolis to consist of not less than eighteen or more than one hundred and twenty members. Rep. 62 & 63 Vict. c. 14, s. 35.*]

3. [*Parishes with more than two thousand rated householders to be divided into wards. Rep. 62 & 63 Vict. c. 14, s. 35.*]

4. [*Secretary of State to appoint persons to set out wards and apportion number of vestrymen. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

5. [*If relative population of wards varies on future census, the numbers of vestrymen may be altered by the Metropolitan Board of Works. Rep. 62 & 63 Vict. c. 14, s. 35.*]

6. [*Qualification of vestrymen. Rep. and replaced by the Local Government Act 1894, ss. 31 and 89. (See Appendix.)*]

7. [*Election of vestrymen. Rep. 62 & 63 Vict. c. 14, s. 35.*]

† 8. [*Full number of vestrymen for any parish to be chosen at first election—Transfer to vestries constituted under this Act of powers and privileges of existing vestries. Rep. in part 62 & 63 Vict. c. 14, s. 35; remainder semble spent, see ibid. s. 4.*]

† 9. [*As to term of office of first vestrymen and future elections. Rep. in part 38 & 39 Vict. c. 66 (S.L.R.), and 55 & 56 Vict. c. 19 (S.L.R.); remainder semble spent. See 62 & 63 Vict. c. 14, s. 4.*]

† 10. [*As to filling vacancies in vestries. Semble spent. See 62 & 63 Vict. c. 14, s. 4.*]

11—12. [*Appointment and term of office of auditors in the metropolis. Rep. 62 & 63 Vict. c. 14, s. 35.*]

* The powers, duties, and liabilities of the Metropolitan Board of Works under this Act are transferred to the London County Council by 51 & 52 Vict. c. 41, s. 40 (8), and those of the vestries and district boards to the councils of the metropolitan boroughs established under 62 & 63 Vict. c. 14. See ibid. ss. 4, 31 (2).

† Semble that so much of these sections as is not expressly repealed is spent by reason of schemes under 62 & 63 Vict. c. 14. See ibid. s. 23.

13—27. [*As to conduct of elections of vestry. Rep. by the Local Government Act 1894, s. 89. (See Appendix.)*]

28. . . . all questions shall be decided by the votes of the majority of the vestrymen present, and the vestry may act notwithstanding any vacancies therein. [*Part omitted (as to quorum of vestries) rep. 62 & 63 Vict. c. 14, s. 35. See also ibid. s. 31 (2).*]

Quorum of vestries.

29. [*Meetings not to be holden in the church. Rep. 62 & 63 Vict. c. 14, s. 35.*]

30. At every meeting of any vestry under this Act, in the absence of the persons authorized by law . . . to take the chair, the members present shall elect a chairman for the occasion before proceeding to other business, and the chairman, in case of an equality of votes on any question, shall have a second or casting vote. [*Words omitted ("or custom") rep. by the Local Government Act 1894, s. 89. See ibid. s. 31 (2). (See Appendix.)*]

Meeting to elect a chairman.

31—42. [*Formation of parishes into districts—Constitution of district boards—Incorporation of vestries and district boards. Rep. 62 & 63 Vict. c. 14, s. 35.*]

43—53. [*Constitution, incorporation, and meetings of the Metropolitan Board of Works. Rep. 51 & 52 Vict. c. 41, s. 126, and 55 & 56 Vict. c. 19 (S.L.R.).*]

54. [*Disqualifications for membership of the Metropolitan Board, district boards, and vestries, and for auditorships thereof. Rep. by the Local Government Act 1894, s. 89. (See Appendix.)*]

55—56. [*As to resignation of members of the metropolitan and district boards and vestries and re-election of retiring members. Rep. 62 & 63 Vict. c. 14, s. 35.*]

57. No resolution or other act . . . of any such vestry, shall be revoked or altered at any subsequent meeting, unless such subsequent meeting be specially convened for the purpose, nor unless such revocation or alteration be determined upon by a majority consisting of two thirds . . . of the vestrymen present at such subsequent meeting, if the number of . . . vestrymen present at such subsequent meeting be not greater by one fifth than the number present when such resolution was made or such act was done, but if the number of . . . vestrymen present at such subsequent meeting be greater by one fifth than the number present at such former meeting, then such revocation or alteration may be determined upon by a mere majority. [*Parts omitted (as to Metropolitan Board) rep. 55 & 56 Vict. c. 19 (S.L.R.), and (as to district board) rep. 62 & 63 Vict. c. 14, s. 35; and see ibid. s. 31 (2).*]

No resolution of metropolitan or any district board, or of any vestry, to be revoked at a subsequent meeting, unless under certain circumstances.

58. It shall be lawful for . . . any such vestry . . . to appoint a committee or committees for any purposes which, in the discretion of the . . . vestry, would be better regulated and managed by means of such committee, and at any meeting to continue, alter, or discontinue such committee. . . . [*Parts omitted (as to Metropolitan Board) rep. 55 & 56 Vict. c. 19 (S.L.R.); (as to district board) rep. 62 & 63 Vict. c. 14, s. 35; and (as to acts of committee being submitted to general body for approval) rep. 25 & 26 Vict. c. 102, s. 31; but see 62 & 63 Vict. c. 14, ss. 8 and 31 (2).*]

Committees may be appointed.

59. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment: but no

Powers of committees.

business shall be transacted at any meeting of the committee unless three members of the committee are present.

Minutes of proceedings of metropolitan and district boards and of vestries to be entered.

60. Entries of all proceedings of . . . any such vestry, with the names of the members who attend each meeting, shall be made in books to be provided and kept for that purpose, under the direction of the . . . vestry, and shall be signed by the members present, or any two of them; and all entries purporting to be so signed shall be received as evidence, without proof of any meeting of the . . . vestry having been duly convened or held, or of the presence at any such meeting of the persons named in any such entry as being present thereat, or of such persons being members of the . . . vestry, or of the signature of any person by whom any such entry purports to be signed, all which matters shall be presumed until the contrary be proved; and every such . . . vestry shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid by them, or under their authority, and of all liabilities incurred by them, and of the several purposes for which such sums of money are received and paid and such liabilities incurred, and copies of all contracts entered into by any such . . . vestry. [*Note to s. 57 applies.*]

All books to be open to inspection.

61. All such books shall at all reasonable times be open to the examination of every member of the . . . vestry . . . to which such books belong, . . . and of every owner of property, churchwarden, overseer, and ratepayer within any . . . parish, as regards books belonging to the . . . vestry thereof . . . , and of every creditor on the rates raised under this Act by any such . . . vestry . . . , without fee or reward, and they respectively may take copies of or extracts from such books or any part thereof, without paying for the same; and in case the members of the . . . vestry, or any of them, or any of the officers or servants of the . . . vestry having the custody of the said books, being thereunto reasonably requested, refuse to permit or do not permit any such owner of property, churchwarden, overseer, ratepayer, or creditor to examine the same, or take any copies or extracts, every such member, officer, or servant so offending shall for every such offence, upon a summary conviction thereof before two Justices, forfeit any sum not exceeding ten pounds. [*Parts omitted (as to books of district boards) rep. 62 & 63 Vict. c. 14, s. 35. Superseded (as regards books of the Metropolitan Board of Works) 51 & 52 Vict. c. 41, s. 75; the Municipal Corporations Act 1882, part xiii. (see Appendix); and 56 & 57 Vict. c. ccxxi. s. 10.*]

Power to Metropolitan Board, district boards, and vestries to appoint officers.

62. . . . (subject to the provisions herein contained) the board of works for every district under this Act, and the vestry of every parish mentioned in Schedule (A.) to this Act, shall respectively appoint or employ, or continue for the purposes of this Act, and may remove at pleasure, such clerks, treasurers, and surveyors, and such other officers and servants as may be necessary, and may allow to such clerks, treasurers, surveyors, officers, and servants respectively such salaries and wages as the board or vestry may think fit. [*Part omitted (as to Metropolitan Board) rep. 55 & 56 Vict. c. 19 (S.L.R.). See also ss. 139 and 202; 25 & 26 Vict. c. 102, s. 112; 54 & 55 Vict. c. 76, ss. 106—109; and 62 & 63 Vict. c. 14, ss. 4 (1), 9 (1), and 31 (2).*]

Clerk and treasurer not to be the same person.

63. No person holding the office of treasurer under . . . any district board or any such vestry, nor his partner, nor any person in the service or employ of them or either of them, shall hold, be

eligible to, or in any manner assist or officiate in the office of clerk ; and neither the person holding the office of clerk, nor his partner, nor any person in the service or employ of them or either of them, shall hold, be eligible to, or in any manner assist or officiate in the office of treasurer ; and every person offending in any of the cases specified in this provision shall forfeit and pay the sum of one hundred pounds, which may be recovered by any person, with full costs of suit, by action in any of the superior courts of law. [*Part omitted (as to Metropolitan Board) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

64. No officer or servant of the Metropolitan Board, or of any district board or any such vestry, shall be in anywise concerned or interested in any contract or work made with or executed for such board or vestry : and if any such officer or servant be so concerned or interested, or, under colour of his office or employment, exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under such board or vestry, and shall forfeit and pay the sum of fifty pounds, which may be recovered by any person, with full costs of suit, by action in any of the superior courts of law ; provided that no person, being a shareholder of any joint stock company, shall be prevented from being employed as an officer or servant by reason of any contract between such company and such board or vestry, or of any work executed by such company. [*See also the Public Bodies Corrupt Practices Act 1889.*]

Penalty on officers, etc. being interested in contracts, or exacting fees.

65. Before any officer or servant as aforesaid enters upon any office or employment under this Act, by reason whereof he will or may be intrusted with the custody or control of money, the board or vestry shall require and take from him such security for the faithful execution of such office or employment, and for duly accounting for all monies which may be intrusted to him by reason thereof, as they may think sufficient ; and every such officer and servant, as well during his continuance in office or employment as upon his resignation, dismissal, or ceasing to hold his office or employment, shall respectively, when and in such manner as shall be required by the board or vestry, make out and deliver a true and perfect account, in writing signed by him, of all monies received by him for the purposes of this Act, and stating how, and to whom, and for what purpose such monies have been disposed of, and shall together with such account deliver the vouchers or receipts for all payments made by him, and pay over to the treasurer or such person as the board or vestry may appoint all monies owing by him ; and if any such officer or servant fail to render such account, or to produce and deliver up such of the said vouchers and receipts as may be in his possession or power, or to pay over any such monies as aforesaid, or if, for the space of five days after being thereunto required, he fail to deliver up to the board or vestry, or to such person as they may appoint, all books, papers, writings, property, effects, matters, and things in his possession or power belonging to the board or vestry, then and in every such case a Justice shall, on complaint being made to him in that behalf, summon the party charged to appear and answer the complaint before two Justices at a time and place to be specified in the summons ; and upon the appearance of the party charged, or upon proof that the summons was personally served upon him or left at his last known place of abode in England, and if it appear to the last-mentioned Justices that he has failed to

Officers, etc. intrusted with money to give security for duly accounting for the same.

If officer fail to render account, et c. Justices may commit offender to prison.

Power to levy
by distress.

render any such account, or to produce and deliver up any such vouchers or receipts, or any such books, papers, writings, property, effects, matters, or things as aforesaid, and that he still fails or refuses so to do, it shall be lawful for them, by warrant under their hands and seals, to commit the offender to gaol, there to remain, without bail, until he shall have rendered such account, and produced and delivered up all such vouchers, receipts, books, papers, writings, property, effects, matters, and things in respect of which the charge was made; and if it appears that the party charged has failed to pay over any such monies as aforesaid, and that he still fails or refuses so to do, it shall be lawful for the last-mentioned Justices, by a like warrant, to cause the same to be levied by distress and sale of his goods and chattels, and in default of any sufficient distress to commit him to gaol, there to remain, without bail, for a period not exceeding three months, unless such monies be sooner paid: Provided always, that if the complainant, by deposition on oath, show to the satisfaction of any Justice that there is probable cause for believing that the party charged intends to abscond, it shall be lawful for such Justice, without previous summons, by warrant under his hand and seal to cause him to be forthwith apprehended; and in such case the said party shall, within twenty-four hours after apprehension, be brought before the same or some other Justice, who may order that he be discharged from custody, if such Justice think that there is no sufficient ground for detention, or that he be further detained until he be brought before two Justices at a time and place to be named in the order, unless bail to the satisfaction of the Justice be given for the appearance of the party before such two Justices: Provided also, that no such proceeding shall be construed to relieve or discharge any surety of the offender from any liability whatsoever. [*See also s. 156; the Summary Jurisdiction Act 1879, s. 6; and 62 & 63 Vict. c. 14, s. 14.*]

Metropolitan
and district
boards and
vestries to
provide
proper
offices, and
to cause daily
attendance
to be given.

66. . . . every such . . . vestry . . . shall provide and maintain such offices within their . . . parish as may be necessary for the purposes of this Act, and shall take care that their clerk, or some person duly authorized by them in that behalf, attends at their office daily (Sundays, Christmas Day, and Good Friday, and days appointed for any general fast or thanksgiving, alone excepted), for the purpose of receiving notices and transacting the ordinary business of the . . . vestry under this Act. [*Parts omitted (as to Metropolitan Board and district boards) rep. 55 & 56 Vict. c. 19 (S.L.R.) and 62 & 63 Vict. c. 14, s. 35. See also ss. 150—155; 51 & 52 Vict. c. 41, s. 65; 56 & 57 Vict. c. cxxi. s. 24; and 62 & 63 Vict. c. 14, s. 5 (2).*]

Duties and Powers of Vestries and District Boards.

“Vestry” in
following
provisions to
mean vestry
of a parish in
Schedule (A.)

67. Where in the provisions herein-after contained any expression is used referring to the vestry of a parish, such expression shall be construed as referring only to the vestry of a parish mentioned in Schedule (A.) to this Act, unless such construction be repugnant to the context.

Sewers
(except main
sewers)
vested in
vestries and
district
boards.

68. . . . all sewers vested in the Metropolitan Commissioners of Sewers* which are situate in any parish mentioned in Schedule (A.) to this Act (except such sewers as are mentioned

* Appointed and empowered under 11 & 12 Vict. c. 112; 12 & 13 Vict. c. 93; 14 & 15 Vict. c. 75; 15 & 16 Vict. c. 64; 16 & 17 Vict. c. 125; and 17 & 18 Vict. c. 111; since repealed by 24 & 25 Vict. c. 101, and 38 & 39 Vict. c. 66 (S.L.R.).

in Schedule (D.) to this Act), with the walls, defences, banks, outlets, sluices, flaps, penstocks, gullies, grates, works, and things thereunto appertaining, and the materials thereof, with all rights of way and passage used and enjoyed by such Commissioners over or to such sewers, works, and things, and all other rights concerning or incident to such sewers, works, and things, shall become vested in the vestry of such parish : and all sewers vested in the said Metropolitan Commissioners which are situate within any district mentioned in Schedule (B.) to this Act, except as before excepted, with all such works and things as aforesaid appertaining thereto, and all rights of way and passage used and enjoyed by such Commissioners over or to such sewers, works, and things, and all other rights concerning or incident to such sewers, works, and things, shall become vested in the board of works for such district ; and all sewers made and to be made within any such parish or district, except sewers and works vested or to be vested in the Metropolitan Board of Works, as herein-after mentioned, shall be vested in such vestry and board respectively. [*Words omitted ("upon the commencement of this Act") rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

69. The vestry of every parish mentioned in Schedule (A.) to this Act, and the board of works for every district mentioned in Schedule (B.) to this Act, shall (subject to the powers by this Act vested in the Metropolitan Board of Works) from time to time repair and maintain the sewers under this Act vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the powers herein contained, and shall cause to be made, repaired, and maintained such sewers and works, or such diversions or alterations of sewers and works, as may be necessary for effectually draining their parish or district, . . . and it shall be lawful for any such vestry or district board to carry any such sewers or works through, across, or under any turnpike road, or any street or place laid out as or intended for a street, or through or under any cellar or vault which may be under the pavement or carriageway of any street, and into, through, or under any lands whatsoever, making compensation for any damage done thereby as herein-after provided : and it shall be lawful for any such vestry or district board from time to time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the sewers, watercourses, and works which shall be from time to time vested in them or subject to their order and control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary : Provided always, that no new sewer shall be made without the previous approval of the Metropolitan Board of Works : Provided also, that the discontinuance, closing up, destruction, or alteration of any sewer as aforesaid shall be so done as not to create a nuisance ; and if by reason thereof any person shall be deprived of the lawful use of any covered sewer, it shall be the duty of the vestry or district board to provide some other sewer or a drain as effectual for his use as the sewer of which he is so deprived : Provided also, that where the vestry or district board alter any sewer, or provide a new sewer in substitution for a sewer discontinued, closed up, or destroyed, they may contract or otherwise alter the private drains communicating with the sewer so altered, or with the sewer so discontinued, closed up, or destroyed, or may close up or destroy such private drains, and provide new drains in lieu thereof, as the circumstances of the sewerage may appear to them to require, but so that in every case

Vestries and district boards to repair, etc. all sewers vested in them, and from time to time to construct new ones, etc.

the altered or substituted drain shall be as effectual for the use of the person entitled thereto as the drain previously used. [*Part omitted (as to flood-works) rep. 42 & 43 Vict. c. cxcviii. s. 43. See also 25 & 26 Vict. c. 102, ss. 34, 35, 45—51, 58 and 83, and 53 & 54 Vict. c. 66, s. 4.*]

Power to vestries and district boards to do works of improvement in sewers, etc. the expense of which to be divided between the party liable and the parish or district.

70. Wherever any party is, by prescription, by reason of tenure, or otherwise, liable by law to maintain or do any repairs to sewers, banks, watercourses, or works in any such parish or district which the vestry or district board judge it necessary to alter or improve, it shall be lawful for them to make such alterations or improvements therein as they think proper, and to divide the expense of such alterations or improvements between the party liable to such maintenance or repairs and the parish, district, or persons who would have been wholly liable to the expense of such alterations or improvements if no party had been liable as aforesaid, so as to throw on the party liable to such maintenance or repairs such part of the expense of alterations or improvements as may be equal to what would be incurred for such maintenance or repairs, and to throw on the parish, district, or persons aforesaid the residue of such expense, and to settle and adjust such proportions either by some general regulation or by order in each particular case, as they may think proper: Provided always, that nothing in this Act contained shall exempt from liability to do any works, or to pay the whole cost thereof, any person who, by prescription, by reason of tenure, or otherwise by law, is so liable. [*Amended 42 & 43 Vict. c. cxcviii. s. 43.*]

Gullyholes, etc. to be trapped.

71. Every district board and vestry shall, by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent the effluvia of sewers from exhaling through gullyholes, gratings, or other openings of sewers in any of the streets or other places within their district or parish. [*See also 25 & 26 Vict. c. 102, s. 27.*]

Vestries and district boards to cause sewers to be cleansed, etc.

72. Every vestry and district board shall cause the sewers vested in them to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied, and for the purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary. [*See also 57 & 58 Vict. c. cxxii. s. 16.*]

Vestry or district board in certain cases may compel owners, etc. of houses to construct drains into the common sewer.

73. If any house or building, whether built before or after the commencement of this Act, situate within any such parish or district, be found not to be drained by a sufficient drain communicating with some sewer, and emptying itself into the same, to the satisfaction of the vestry or board of such parish or district, and if a sewer of sufficient size be within one hundred feet of any part of such house or building, on a lower level than such house or building, it shall be lawful for the vestry or board, at their discretion, by notice in writing, to require the owner of such house or building forthwith, or within such reasonable time as may be appointed by the vestry or board, to construct and make from such house or building into any such sewer a covered drain, and such branches thereto, of such materials, of such size, at such level, and with such fall as shall be adequate for the drainage of such house or building, and its several floors or stories, and also of its

areas, waterclosets, privies, and offices, (if any,) and for conveying the soil, drainage, and wash therefrom into the said sewer, and to provide fit and proper paved or impermeable sloped surfaces for conveying surface water thereto, and fit and proper sinks, and fit and proper syphoned or otherwise trapped inlets and outlets for hindering stench therefrom, and fit and proper water supply and water supplying pipes, cisterns, and apparatus for scouring the same, and for causing the same to convey away the soil, and fit and proper sand traps, expanding inlets, and other apparatus for hindering the entry of improper substances therein, and all other such fit and proper works and arrangements as may appear to the vestry or board, or to their officers, requisite to secure the safe and proper working of the said drain, and to prevent the same from obstructing or otherwise injuring or impeding the action of the sewer to which it leads; and it shall be lawful for the said vestry or board to cause the said works to be inspected while in progress, and from time to time during their execution to order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the vestry or board or their officers appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and perfect working of such works; and if the owner of such house or building neglect or refuse, during twenty-eight days after the said notice has been delivered to such owner, or left at such house or building, to begin to construct such drain and other works aforesaid, or any of them, or thereafter fail to carry them on and complete them with all reasonable despatch, it shall be lawful for the vestry or board to cause the same to be constructed and made, and to recover the expenses to be incurred thereby from such owner in the manner herein-after provided. [*See ss. 225—227; 25 & 26 Vict. c. 102, ss. 64, 66, and 96; 54 & 55 Vict. c. 76, s. 48; and 57 & 58 Vict. c. cxxiii. s. 122—124.*]

Penalty on owner, etc. for neglect.

74. If it appear to the vestry or board of any parish or district that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, may be drained and improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exist or be about to be constructed within one hundred feet of any part of such group or block of houses, whether contiguous, detached, or semi-detached, it shall be lawful for such board or vestry to order that such group or block of houses be drained and improved, as herein-before provided, by a combined operation. [*Amended 25 & 26 Vict. c. 102, s. 64.*]

Provision for combined drainage of blocks of houses.

75. It shall not be lawful to erect any house or other building in any parish mentioned in Schedule (A.) to this Act, or in any district mentioned in Schedule (B.) to this Act, or to rebuild any house or building within any such parish or district which has been pulled down to or below the floor commonly called the ground floor, or to occupy any house or building so newly built or rebuilt, unless a drain and such branches thereto and other connected works and apparatus and water supply as herein-before mentioned be constructed and provided to the satisfaction of the surveyor of the vestry of such parish or board of works for such district, of such materials, of such size, at such level, and with such fall as they may direct, so that the same shall be available for the drainage of the lowest floor of such house or building, and of its several floors or stories, and also of its areas, waterclosets, privies, and offices (if

No house to be built without drains constructed to the satisfaction of the vestry or district board.

any), which drain shall lead from such house or building, or the intended site of such house or building, to such sewer, already made or intended to be constructed near thereto, as the vestry or board shall direct and appoint, or if there be no such sewer existing or intended to be constructed within one hundred feet of any part of the intended site of such house or building, then to such covered cesspool or other place, not being under any dwelling house, as the vestry or board shall direct ; and whenever any house or building is rebuilt as aforesaid, the level of the lowest floor of such house or building shall be raised sufficiently to allow of the construction of such a drain and such branches thereto and other works and apparatus as are herein-before required, and for that purpose the levels shall be taken and determined under the direction of the vestry or district board. [*See also* 54 & 55 *Vict. c.* 76, *s.* 37 *et seq.*]

Notice of buildings to be given to the vestry or district board before commencing the same.

76. Before beginning to lay or dig out the foundation of any new house or building within any such parish or district, or to rebuild any house or building therein, and also before making any drain for the purpose of draining directly or indirectly into any sewer under the jurisdiction of the vestry or board of or for any such parish or district, seven days notice in writing shall be given to the vestry or board by the person intending to build or rebuild such house or building or to make such drain ; and every such foundation shall be laid at such level as will permit the drainage of such house or building in compliance with this Act, and as the vestry or board shall order, and every such drain shall be made in such direction, manner, and form, and of such materials and workmanship, and with such branches thereto and other connected works and apparatus and water supply as herein-before mentioned, and as the vestry or board shall order, and the making of every such drain shall be under the survey and control of the vestry or board ; and the vestry or district board shall make their order in relation to the matters aforesaid, and cause the same to be notified to the person from whom such notice was received within seven days after the receipt of such notice, and in default of such notice, or if such house, building, or drain, or branches thereto or other connected works and apparatus and water supply, be begun, erected, made, or provided in any respect contrary to any order of the vestry or board made and notified as aforesaid, or the provisions of this Act, it shall be lawful for the vestry or board to cause such house or building to be demolished or altered, and to cause such drain or branches thereto and other connected works and apparatus and water supply to be relaid, amended, or re-made, or, in the event of omission, added, as the case may require, and to recover the expenses thereof from the owner thereof in the manner herein-after provided. [*See s.* 202 *and note thereon* ; *ss.* 215—227 ; 25 & 26 *Vict. c.* 102, *ss.* 63, 64, and 88 ; and 57 & 58 *Vict. c.* cxxiii. *ss.* 145 and 164.]

77. [*Power to branch drains into sewers.* *Rep.* 25 & 26 *Vict. c.* 102, *s.* 61.]

Power to Metropolitan Board or vestry or district board to branch private drains into sewers,

78. Whenever it is necessary to open any part of the pavement or any street or public place, for the purpose of making or branching any private drain into any of the sewers or drains vested in the Metropolitan Board of Works, or any vestry or district board under this Act, or authorized to be made by them under this Act, it shall be lawful for the vestry or board, in case they think fit so to do, to

make so much and such part of such private drain, and also to construct so much and such part of the work necessary for branching the same into the public sewers as shall be under or in any street, and to recover the expenses incurred thereby from the owner of the house, building, or ground to which such private drain belongs, in the manner herein-after provided. [*See ss. 225—227.*]

79. It shall be lawful for any such vestry or board to contract and agree with the owners or occupiers of any houses, buildings, or ground that any drains required to be made, altered, or enlarged by such owners shall be constructed, made, altered, and enlarged by the vestry or board; and the cost price of making, altering, or enlarging such drains, as certified by the surveyor of the vestry or board, shall be repaid by the owner or occupier so agreeing to the vestry or board, and in default of payment the same may be recovered in the manner herein-after provided. [*See ss. 225—227.*]

80. Where any sewer in any of the parishes mentioned in either of the Schedules (A.) and (B.) to this Act, into which any drain shall be made or branched, has been built since the third day of September one thousand eight hundred and thirteen, and before the commencement of this Act, at the expense of any person or body other than any commissioners of sewers, the vestry or district board in whom such sewer is vested may order such sum as they may deem just to be paid and contributed by the owner of the house to which such drain belongs towards the expense of the construction of such sewer, which sum shall, on the receipt thereof by such vestry or board, be paid over to the person or body aforesaid, and such vestry or board may, if they see fit, order and accept payment of such sum, with interest after a rate not exceeding five pounds for the hundred by the year, by instalments within any period not exceeding twenty years. [*See also 25 & 26 Vict. c. 102, s. 59.*]

81. [*As to erecting and rebuilding houses without proper water-closets. Rep. 54 & 55 Vict. c. 76, s. 142. See ibid. ss. 37—42.*]

82. It shall be lawful for any such vestry or board, or for their surveyor or inspector, or such other person as they appoint, to inspect any drain, . . . or sinks, traps, syphons, pipes, or other works or apparatus connected therewith, within the parish or district of such vestry or board, and for that purpose, at all reasonable times in the daytime, after twenty-four hours notice in writing has been given to the occupier of the premises to which such drain, . . . or other connected works or apparatus as aforesaid, is attached, or left upon the premises, or in case of emergency without notice, to enter, by themselves or their surveyor or inspector and workmen, upon any premises, and cause the ground to be opened in any place they think fit, doing as little damage as may be. [*Parts omitted (as to water-closet, privy, cesspool, and water supply apparatus) rep. 54 & 55 Vict. c. 76, s. 142. See ibid. ss. 2 (1) (b), 10, and 40—42.*]

83. In case any drain, . . . or other connected works or apparatus herein-before mentioned, be found, on inspection, not to have been made or provided according to the directions or regulations of the vestry or district board, or contrary to the provisions of this Act, or in case any person, without the consent of the vestry or district board, construct, rebuild, or unstop any sewer, drain, . . . which may have been ordered by them not to be made, or to be demolished or stopped up, . . . or destroy any connected works or apparatus as aforesaid, or in case any person, without the consent of the vestry or

at the expense of the party to whom they belong.

Vestry or district board may agree to make house drains at the expense of owners or occupiers.

Vestry or district board may order a contribution towards construction of sewers in certain cases.

Power for vestries and district boards to authorize inspection of drains.

Penalty on persons improperly making or altering drains.

district board, break into any sewer vested in such vestry or board, every person so offending shall forfeit and pay any sum not exceeding ten pounds; and in case the person so making any sewer, drain, . . . or other works or apparatus as aforesaid, contrary to the directions or regulations of the vestry or board, or contrary to the provisions of this Act, or, without such consent as aforesaid, constructing, rebuilding, or unstopping any sewer, drain, . . . which may have been ordered to be demolished or stopped up, . . . or destroying any connected works or apparatus as aforesaid, or breaking into any such sewer as aforesaid, do not, within fourteen days after notice in writing by the vestry or board, cause such sewer, drain, . . . to be altered or reinstated in conformity with the directions of the vestry or board, or, as the case may be, to be demolished or stopped up . . . or such connected works or apparatus to be restored, then and in every such case the vestry or board may cause the work to be done, and the expenses thereof shall be paid by the person who has so offended. [*Note to s. 82 applies. See also ss. 225—227; and 25 & 26 Vict. c. 102, ss. 66, 68, and 69.*]

Where no default found expenses to be paid by vestry or board.

84. If such drain, . . . or other connected works and apparatus, be found on inspection as aforesaid to be made to the satisfaction of the vestry or board, and in proper order and condition, they shall cause the same to be reinstated and made good as soon as may be, and the expenses of examination, reinstating, and making good such drain, . . . or other works or apparatus as aforesaid, shall be defrayed by the vestry or board, and full compensation shall be made by them for all damages or injuries done or occasioned by the examination of any such drain, . . . or other works or apparatus as aforesaid. [*Note to s. 82 applies. See also ss. 225—227.*]

Vestry or district board to cause drains, etc. to be put into proper condition, etc. where necessary.

85. If, upon such inspection as aforesaid, any drain, . . . appear to be in bad order and condition, or to require cleansing, alteration, or amendment, or to be filled up, the vestry or board shall cause notice in writing to be given to the owner or occupier of the premises upon or in respect of which the inspection was made, requiring him forthwith, or within such reasonable time as shall be specified in such notice, to do the necessary works; and if such notice be not complied with by the person to whom it is given the vestry or board may, if they think fit, execute such works, and the expenses incurred by them in so doing shall be paid to them by the owner or occupier of the premises. [*Note to s. 82 applies. See also ss. 225—227; and 25 & 26 Vict. c. 102, s. 64.*]

Vestry and district board to cause offensive ditches, drains, etc. to be cleansed or covered.

Where works interfere with any ancient mill, etc. compensation to be made, or rights therein purchased.

Power to vestries and district

86. . . . Provided also, that where any work by any vestry or district board done or required to be done in pursuance of the provisions of this Act interferes with or prejudicially affects any ancient mill, or any right connected therewith, or other right to the use of water, full compensation shall be made to all persons sustaining damage thereby, in manner herein-after provided, or it shall be lawful for the vestry or board, if they think fit, to contract for the purchase of such mill, or any such right connected therewith, or other right to the use of water; and the provisions of this Act with respect to the purchases by the vestry or board herein-after authorized shall be applicable to every such purchase as aforesaid. [*Part omitted (as to cleansing, filling up, etc., offensive ditches, drains, etc.) rep. 54 & 55 Vict. c. 76, s. 142.*]

87. It shall be lawful for any vestry or district board, where they think fit, to cause the ditches at the sides of or across public roads

and byeways and public footways to be filled up, and to substitute pipe or other drains alongside or across such roads and ways, with appropriate shoots and means of conveying water from such roads and ways thereto, and from time to time to repair and amend the same; and the surface of land gained by filling up such ditches may, if the vestry or board so think fit and direct, be thrown into such roads and ways, and be repairable as part thereof, and be under the control of the surveyors of the highways, or other person in charge of such roads, byeways, or footways.

88. [*As to public conveniences.* *Rep.* 54 & 55 *Vict. c.* 76, *s.* 142. *See ibid.* *s.* 44.]

89. If any vestry or district board desire to transfer to the Metropolitan Board of Works the powers and duties vested in such vestry or district board in relation to sewerage and drainage, and a resolution for so transferring such powers and duties be passed by a majority at a meeting of such vestry or district board, specially convened for the purpose of considering the question of such transfer, of which not less than fourteen days notice shall have been given, and at which there shall be present not less than two thirds of the whole number of such vestry or board, then such powers and duties, and all sewers and property vested in such vestry or board under this Act, for the purposes of or in connexion with such powers and duties, shall, at the expiration of one month after notice from such vestry or board shall have been given under their seal to the said Metropolitan Board of such resolution having been passed as aforesaid, become vested in the said Metropolitan Board, and the provisions of this Act for defraying expenses incurred by such Board in the execution of this Act shall extend to expenses incurred by them in the execution of the powers and duties so transferred to them. [*See also* 25 & 26 *Vict. c.* 102, *s.* 28; and 62 & 63 *Vict. c.* 14, *ss.* 5 (3) and 7.]

90. All the duties, powers, and authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any parish mentioned in Schedule (A.) to this Act, or any part of such parish, now vested in any commissioners, or in any body other than the vestry of such parish, or in any officer of any commissioners or other body, and all other duties, powers, and authorities in anywise relating to the regulation, government, or concerns of any such parish or part, or of the inhabitants thereof, (except such duties, powers, and authorities as relate to the affairs of the church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor, so far as such duties, powers, and authorities relate thereto,) now vested under any local Act of Parliament in any commissioners, or in any body other than the vestry of such parish, or in any such officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the vestry of such parish under this Act: and all the duties, powers, and authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any parish included in any district mentioned in Schedule (B.) to this Act, or any part of such parish, now vested in any commissioners, vestry, or other body, or in any officer of any commissioners or other body, and all other duties, powers, and authorities in anywise relating to the regulation, government, or concerns of any such parish, or part, or of the inhabitants thereof

boards to fill up ditches by the side of roads, and substitute pipes.

Vestries and district boards may transfer their powers as to sewerage to the Metropolitan Board of Works.

All powers relating to paving, etc. to be vested in vestries and in district boards.

(except such duties, powers, and authorities as relate to the affairs of the church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor, so far as such duties, powers, and authorities relate thereto), now vested under any local Act of Parliament in any commissioners, vestry, or other body, or in any such officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the board of works for such district; and the provisions of every such Act of Parliament as aforesaid shall be applicable to the vestry of every parish mentioned in the said Schedule (A.) and to every such district board accordingly, and the offices of all commissioners and persons whose powers are determined by this Act shall cease and be determined, and there shall be no new appointment or election to any such office. [See also 19 & 20 Vict. c. 112, ss. 1—3; 25 & 26 Vict. c. 102, s. 73; 35 & 36 Vict. c. lxxvi. s. 3 and note thereon; and 62 & 63 Vict. c. 14, s. 23.]

Saving as to
Baths and
Washhouses,
Metropolitan
Burials,
Markets and
Charitable
Trusts Acts.

91. Provided always, that . . . nothing in this Act shall extend to or affect any rights, privileges, powers, or authorities vested in any persons in reference to any market, or any powers or rights for or in relation to the administration of any charitable trusts, save that any powers or rights in relation to any such trusts vested or which would have become vested in the existing vestry of any parish shall be vested in the vestry of such parish as constituted by this Act. [Part omitted (Act not to divest vestries, commissioners, or burial boards of powers as to baths and washhouses and burials) rep. 62 & 63 Vict. c. 14, s. 35; and see *ibid.* ss. 4, 23, and 34.]

Expenses
incurred
under exist-
ing powers
relating to
paving, etc.
to be deemed
expenses
incurred in
execution of
this Act.

92. Provided also, that all expenses of paving, lighting, watering, cleansing, or improving any parish or any part of any parish mentioned in either of the Schedules (A.) and (B.) to this Act, and all other expenses in relation to the regulation, government, or public concerns of any such parish or part, or of the inhabitants thereof, except only expenses incurred in relation to the affairs of the church or for the management or relief of the poor, and other expenses by law payable out of any poor rate, which are not herein provided for, shall be deemed expenses incurred in the execution of this Act, and shall be defrayed accordingly. [See also ss. 158—169; and 19 & 20 Vict. c. 112. ss. 1—3.]

As to the
transfer of
property.

93. All property, matters, and things whatsoever vested in such commissioners or other body, or in any such officer as aforesaid, under any such Act, in connexion with any such duties or powers as aforesaid, hereby transferred to the vestry of any parish or the Board of Works for any district, shall upon the commencement of this Act be vested in such vestry or board; and where any such property, matters, or things are vested in any such commissioners or body, or officer, acting for parts extending beyond such parish or district, the Metropolitan Board of Works shall by their order declare in what vestry or district board they shall be vested, and may, if they see fit, apportion the same between the vestries and district boards within whose respective districts and parishes such parts may be situate, and the same shall be vested accordingly; and any money in the possession of any such commissioners or other body, or any such officer, which becomes vested in any such vestry or board under this enactment, and the income of any other such property, until sold or disposed of, shall be applicable, as nearly as may be, for the like purposes as if this Act had not been passed.

94. [*Saving for existing contracts of such commissioners and bodies. Semble spent.*]

95. *Existing commissioners, etc., continued until commencement of this Act. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*

96. Every vestry and district board shall, within their parish or district (exclusively of any other persons whatsoever), execute the office of and be surveyor of highways, and have all such powers, authorities, and duties, and be subject to all such liabilities, as any surveyor of highways in England is now or may hereafter be invested with or liable to by virtue of his office, under the laws for the time being in force, so far as such powers, authorities, duties, and liabilities are not inconsistent with this Act: but all expenses which under any such law ought to be defrayed by highway rates shall be defrayed by means of the rates to be raised under this Act, and all monies which would be applicable in aid of such highway rates shall be applied in aid of the said rates to be raised under this Act, and no such vestry or board shall be subject to any provisions concerning the accounts of surveyors of highways, or requiring any returns to be made to any special sessions; and all streets being highways, and the pavements, stones, and other materials thereof, and all other things provided for the purposes thereof by any surveyor of highways, or by any person serving the office of surveyor of highways, or by any vestry or district board under this Act, shall vest in and be under the management and control of the vestry or district board of the parish or district in which such highways are situate. [*See also the Highway Act 1835, and 51 & 52 Vict. c. 41, s. 11 (1).*]

Powers and duties of surveyors of highways, and property vested in them, transferred to vestries and district boards.

97. [*As to rates already made. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

98. It shall be lawful for every vestry and district board from time to time to cause all or any of the streets within their parish or district, or any part thereof respectively, to be paved or repaired when and as often and in such form and manner and with such materials as such vestry or board think fit, and to cause the ground or soil thereof to be raised or lowered, and the course of the channels running in, into, or through the same to be turned or altered, in such manner as they think proper, and to alter the position of any mains or pipes in or under such street, such alteration to be made subject to the approval of the engineer of the company to which such mains or pipes belong. [*See also ss. 105 and 106; 25 & 26 Vict. c. 102, ss. 77 and 112; 35 & 36 Vict. c. lxxvi. s. 3 and note thereon; 53 & 54 Vict. c. 54, ss. 1—3; and 53 & 54 Vict. c. 66, s. 3.*]

Vestry or district board to cause streets to be paved.

99. Provided always, that whenever the freehold of any court, passage, or public place, not being a thoroughfare, is vested in the owner of any adjoining house, the paving of such court, passage, or public place shall be done by such owner, if deemed expedient or necessary by the vestry or district board.

Owners possessing freehold of courts, etc. to pave the same.

100. The owner of any such court, passage, or public place, not being a thoroughfare, shall, if required by the vestry or district board of the parish or district in which the same is situate, to the satisfaction of such vestry or district board sufficiently pave, cover the surface of, or repair the same, and lay, at a proper level, through, over, under, or along such part thereof as such vestry or board may require, a drain, channel, or gutter, and keep such pavement or

Owner of courts to drain them, and keep the pavement, etc. in repair.

Penalty on owners for neglect.

covering, and drain, channel, or gutter, in good repair, to the satisfaction of such vestry or board; and if any such owner of any court, passage, or public place, not being a thoroughfare, do not sufficiently pave or cover the same as aforesaid, or do not lay down therein such drain, channel, or gutter, or do not repair the same respectively, to the satisfaction of such vestry or board, within fourteen days after notice in writing requiring him so to do has been given to him by such vestry or board, every such person so offending shall forfeit and pay any sum not exceeding five pounds. [See also 25 & 26 *Vict. c. 102, s. 81.*]

Vaults and cellars under streets not to be made without the consent of the vestry or board.

101. No vault, arch, or cellar shall be made under any street without the consent of the vestry or district board of the parish or district in which the same is situate; and all such vaults, arches, and cellars hereafter to be made within any parish or district mentioned in either of the Schedules (A.) and (B.) to this Act shall be substantially made, and so as not to interfere or communicate with any drain or sewer under the control of any vestry or district board, or of the Metropolitan Board of Works, without their consents respectively first obtained: and if any vault, arch, or cellar be made contrary to this provision, it shall be lawful for the vestry or district board, or for the Metropolitan Board of Works, to fill up or alter the same, and the expenses incurred thereby shall be paid by the owner of such vault, arch, or cellar. [See also 57 & 58 *Vict. c. cxxiii. s. 72.*]

Vaults, etc. under streets to be repaired by owners or occupiers.

102. All vaults, arches, and cellars made either before or after the commencement of this Act under any street in any parish or district mentioned in either of the Schedules (A.) and (B.) to this Act, and all openings into the same in any such street, shall be repaired and kept in proper order by the owners or occupiers of the houses or buildings to which the same respectively belong; and in case any such vault, arch, or cellar be at any time out of repair, it shall be lawful for the vestry or district board of such parish or district to cause the same to be repaired and put into good order, and to recover the expenses thereof from such owner in the manner herein-after provided. [See also 57 *Geo. 3, c. xxix.*; and 2 & 3 *Vict. c. 47. s. 60.*]

103—104. [*Occupation of underground rooms as dwellings. Rep. 54 & 55 Vict. c. 76, s. 142. See ibid. ss. 96—98.*]

Provisions for paving new streets.

105. In case the owners of the houses forming the greater part of any new street laid out or made or hereafter to be laid out or made, which is not paved to the satisfaction of the vestry or district board of the parish or district in which such street is situate, be desirous of having the same paved, as herein-after mentioned, or if such vestry or board deem it necessary or expedient that the same should be so paved, then and in either of such cases such vestry or board shall well and sufficiently pave the same, either throughout the whole breadth of the carriageway and footpaths thereof, or any part of such breadth, and from time to time keep such pavement in good and sufficient repair; and the owners of the houses forming such street shall, on demand, pay to such vestry or board the amount of the estimated expenses of providing and laying such pavement (such amount to be determined by the surveyor for the time being of the vestry or board); and in case such estimated expenses exceed the actual expenses of such paving, then the difference between such estimated expenses and such actual

expenses shall be repaid by the said vestry or board to the owners of houses by whom the said sum of money has been paid; and in case the said estimated expenses be less than the actual expenses of such paving, then the owners of the said houses shall, on demand, pay to the said vestry or board such further sum of money as, together with the sum already paid, amounts to such actual expenses. [See note on s. 98.]

106. The vestry or district board of any parish or district may, if they think fit, by notice in writing put up in any part of any street in their parish or district, not being a highway, declare their intention of repairing the same under this Act, and thereupon the same shall be from time to time repaired by them under the authority of this Act. . . . [Part omitted (notice in writing to be given to persons interested) *rep.* 25 & 26 *Vict. c.* 102, s. 80.]

Vestry or board may declare their intention of repairing any street not being a highway.

107. Nothing in this Act shall extend or be construed to extend to authorize the taking down or removing any bar, gate, rail, or other fence fixed for preventing any thoroughfare into or from any square, street, or way, without the consent of the proprietor of the estate or property upon which such bar, gate, rail, or other fence, square, street, or way shall be situate. [See also 53 & 54 *Vict. c.* cxxlvii.; 56 & 57 *Vict. c.* lxi.; and 61 & 62 *Vict. c.* cxxi. ss. 42—45.]

Act not to authorize the making any thoroughfare without the consent of the proprietor of the estate.

108. It shall be lawful for every vestry and district board from time to time to place any posts, fences, and rails on the sides of any footways or carriageways in their parish or district, for the purposes of safety, and to prevent any carriage or cattle from going on the same, and also to place any posts or other erections in any carriageways so as to make the crossings thereof less dangerous for foot passengers, and also from time to time to repair and renew any such posts, rails, or fences, or to remove the same, or any other obstruction or encroachment on any carriageway or footway. [See also ss. 119 and 120; 57 *Geo.* 3, c. xxix. ss. 64—66; the *Highway Act* 1835, s. 72; 2 & 3 *Vict. c.* 47, s. 60; 51 & 52 *Vict. c.* 41, s. 11 (1); 57 & 58 *Vict. c.* cxxiii. s. 199; and 62 & 63 *Vict. c.* 14, s. 5 (1).]

Vestries and district boards may place fences, etc. to footways.

109. No company or person shall break up or open the pavement, surface, or soil of any street, the paving whereof is under the control and management of the vestry or district board of any parish or district, for the purpose of making and laying down any main of pipes or for any other purpose whatsoever, except in cases of emergency arising from defects in pipes or other works, without having previously given three clear days notice in writing to such vestry or district board, stating in such notice the name of the street and the particular part thereof in which such pavement, surface, or soil is intended to be broken up or opened, the day on which the work is proposed to be commenced, and the time within which it will be completed; and in any such case of emergency as aforesaid such company or person shall, within twelve hours after they or he begin to break up or open such pavement, surface, or soil as aforesaid, give such notice as aforesaid to the said vestry or district board: and no such pavement, soil, or surface shall be broken up or opened for the purpose of laying down any new main of pipes for the conveyance of water during any part of the months of December, January, and February, without the consent of the said vestry or district board; and no gaslight company shall at any time break up or open any such pavement, surface, or soil for the purpose of laying down any new mains of pipes, without the consent in writing of the said

Notice to be given by companies to vestries and district boards when pavement, etc. is required to be taken up.

vestry or district board; and every company or person offending against this enactment shall for every such offence forfeit a sum not exceeding five pounds, and shall, within twenty-four hours after notice in writing from the vestry or district board, cause such mains of pipes to be taken up and removed, and the pavement, surface, or soil to be reinstated and put into its former state: Provided always, that any gaslight company may break up or open any such pavement, surface, or soil, for the purpose of laying down and attaching to mains and pipes already existing any new service pipes, on giving to the said vestry or district board, three days at the least before so doing, notice of their intention to break up or open such pavement, surface, or soil for such purpose.*

Streets not to be broken up, except under the superintendence of vestry or board.

Streets broken up to be reinstated without delay.

Penalty on persons taking up pavements neglecting to reinstate them, and to place lights during the night-time to prevent accidents.

110. Whenever it is necessary, from any cause whatever, for any company or person to break up or open the pavement, surface, or soil of any street, such street, and the pavement, surface, and soil thereof, shall be broken up and opened under the superintendence of the vestry or district board of the parish or district in which the same is situate, and in such manner and as regards gas companies at such time, as they shall direct; and such company or person shall with all convenient speed complete the work on account of which the same is broken up or opened, and fill in the ground and make good the pavement or surface or soil so broken up or opened, and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or surface or soil is so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the part of the pavement, surface, or soil so broken up or opened a sufficient light during every night that such pavement or surface or soil is continued open or broken up. [*Amended 25 & 26 Vict. c. 102, s. 82.*]

111. If any company or person authorized to break up or open any of the pavement or surface of any street, for the purpose of laying, altering, or repairing any gas, water, or other pipe, or other lawful cause, do not with due diligence cause the ground to be filled in, and the pavement to be reinstated, and the surface to be made good, in a proper and substantial manner, or do not in the meantime fence and guard the same, and affix and maintain lights during the night near to the places where any ground is open, so as to prevent any accident, every such company or other person so offending shall for every such offence forfeit a sum not exceeding five pounds, and also a further sum not exceeding forty shillings for every day during which such offence continues; and no such pavement shall be considered to have been reinstated in a proper and substantial manner by any such company or other person unless the same have been reinstated with the same or similar materials of the like quality and thickness, and cemented and bound together in the same or in an equally substantial manner, as those of which it was composed, in such manner as is satisfactory to the vestry or board.

* Provisions as to opening streets are also contained in 57 Geo. 3, c. xxix. ss. 15 *et seq.*; the Waterworks Clauses Acts 1847 (ss. 28—34), and 1863; the Gas Works Clauses Acts 1847 (ss. 6—12), and 1871; 23 & 24 Vict. c. 125, ss. 49, 50, and 54; the Tramways Act 1870, ss. 26—33 (see Appendix); the Electric Lighting Act 1882, s. 12; various special Acts and Orders of London Gas Companies and London Water Companies and Metropolitan Borough Councils supplying electricity in London: the Telegraph Acts 1863 (ss. 9—20), 1878 (ss. 3 and 4), and 1892 (s. 5); the London Hydraulic Power Company's Acts 1871 to 1893; the Metropolitan District Railway Act 1900, ss. 4, 5, and 14, and various special Acts relating to London underground railways, and 56 & 57 Vict. c. ccii.

112. In case any part of the pavement of any street be sunk broken, injured, or damaged by reason of the breaking, bursting, or want of repair of any pipe belonging to any water, gas, or other company, it shall be lawful for the vestry or district board of the parish or district in which such pavement is situate, if they deem it expedient so to do, to cause notice to be given to the company to whom such pipe is supposed to belong forthwith well and sufficiently to repair and make good such pavement: and if the company to whom such notice is given do not, within forty-eight hours next after such notice, take up such pavement, and well and sufficiently repair and amend such pipe, and cause the ground to be well and sufficiently filled in and rammed down, and the said pavement to be relaid and repaired, to the satisfaction of the vestry or district board, then such company so offending shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Vestry or district board to direct pavements injured by water or gas pipes to be repaired by company.
Penalty for neglect.

113. Provided always, that in case it be discovered, after any pavement in any street has been taken up by any company, and the ground opened, that the pipe beneath the surface of such pavement required to be repaired and amended does not belong to the company to whom such notice has been given as aforesaid, but to some other company, then such first-mentioned company to whom such notice has been so given as aforesaid shall, within forty-eight hours after such discovery, cause a copy of such notice to be in like manner given to the company to whom such pipe belongs, and require them to obey, conform to, and comply with the original notice, instead of the company to whom such original notice was given as aforesaid: and such other company to whom such last-mentioned notice is given as aforesaid shall reimburse and pay, on demand, to the first-mentioned company, the reasonable costs and charges incurred in and about the taking up of the pavement and opening the ground: and the said last-mentioned company shall obey, conform to, and comply with the said original notice, and execute and perform the work mentioned therein, in such and the same manner, and within such and the same time, in all respects, as if the said original notice had been given to such last-mentioned company, and they shall be liable to and shall incur the same penalties and forfeitures, on neglect so to do, as they would have incurred and been liable to if the said original notice had been given to them in manner before directed with respect to such first-mentioned company; and if the company by whom such pavement has been first taken up, and who have opened the ground, neglect to give the notice hereby required to the company to whom such pipe actually belongs, such company so neglecting shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Company opening the ground to repair a pipe discovered to belong to another company, to give notice to such company, and to be reimbursed expenses.

114. Provided also, that whenever the permanent surface or soil of any street is broken up or opened, it shall be lawful for the vestry or district board of the parish or district in which the same is situate, in case they think it expedient so to do, to fill in the ground and to make good the pavement or surface or soil so broken up or opened, and to carry away the rubbish occasioned thereby, instead of permitting such work to be done by the company or person by whom such surface or soil is broken up or opened: and the expenses of filling in such ground and of making good the pavement or soil so broken up or opened shall be repaid, on demand, to the vestry or board by such company or person.

Power to vestry or district board to reinstate pavement and charge the expenses to the parties.

Power for vestry or district board to contract with company for restoring pavements.

115. It shall be lawful for the vestry or district board of any parish or district to contract and agree, for any term of years or otherwise, with the several companies or persons authorized to take up any of the pavements or other formed surface of any of the streets within such parish or district, for the filling in, paving, and restoring of such parts of the said streets as may be from time to time required to be taken up for the purpose of laying, altering, or repairing any pipes or other like purpose.

As to the watering of streets.

116. Every vestry and district board shall have full power and authority to cause all or any of the streets in their parish or district to be watered as often as they think fit. . . . [*Part omitted (powers to vestries and district boards to sink wells and fix pumps) rep. 54 & 55 Vict. c. 76, s. 142. See ibid. s. 51.*]

117. [*Vestries and district boards to cleanse footways. Rep. 54 & 55 Vict. c. 76, s. 142. See ibid. s. 29.*]

Vestries and district boards may appoint and pay crossing sweepers.

118. It shall be lawful for every vestry and district board to appoint and pay, or for two or more vestries and district boards to unite, when necessary, in appointing and paying, suitable persons to cleanse and sweep, and to keep properly cleansed and swept daily, crossings for passengers over the streets and public thoroughfares within their respective jurisdictions, and in such situations as the said vestries or district boards may from time to time fix and determine, which persons so appointed shall be distinguished by their dress or some distinctive mark as public servants.

Owners, etc. to remove future projections, on notice from vestry or district board.

119. If any porch, shed, projecting window, step, cellar door or window, or steps leading into any cellar or otherwise, lamp, lamp post, lamp iron, sign, sign post, sign iron, showboard, window shutter, wall, gate, fence, or opening, or any other projection or obstruction placed or made against or in front of any house or building after the commencement of this Act, shall be an annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the passage along any street in their parish or district, it shall be lawful for the vestry or district board to give notice in writing to the owner or occupier of such house or building to remove such projection or obstruction, or to alter the same, in such manner as the vestry or board think fit, and such owner or occupier shall within fourteen days after the service of such notice upon him remove such projection or obstruction, or alter the same in the manner directed by the vestry or board; and if the owner or occupier of any such house or building neglect or refuse, within fourteen days after such notice, to remove such projection or obstruction, or to alter the same, in the manner directed by the vestry or board, he shall forfeit any sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such projection or obstruction continues after the expiration of such fourteen days from the time when he may be convicted of any offence contrary to the provisions hereof. [*See note on s. 108; and 57 & 58 Vict. c. cxxiii. ss. 73 and 164.*]

Penalty for neglect.

Vestry or district board may remove existing projections and make compensation for the same.

120. It shall be lawful for every vestry and district board, if any projection or obstruction which has been placed or made against or in front of any house or building in any such street before the commencement of this Act shall be an annoyance as aforesaid, to cause the same to be removed or altered as they think fit: Provided always, that the vestry or board shall give notice in writing of such intended removal or alteration to the owner or occupier against or

in front of whose house or building such projection or obstruction shall be, seven days before such removal or alteration shall be commenced, and shall make reasonable compensation to every person who shall incur any loss or damage by such removal, excepting in cases where the obstruction or projection may now be removable under any Act, in which case no compensation shall be made. [*See note on s. 119.*]

121. Every person who shall build, or begin to build, or to take down or begin to take down, any house, building, or wall, or alter or repair, or begin to alter or repair, the outward part of any house, building, or wall, shall, in all cases in which the footway is thereby obstructed or rendered inconvenient, cause to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same, to serve as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, in such cases as aforesaid, with such platform and handrail, standing and in good condition, to the satisfaction of the vestry or district board of the parish or district in which such house, building, or wall is situate, during such time as may be necessary for the public safety or convenience, and shall, in all cases in which the same is necessary to prevent accidents, cause such hoard or fence to be well lighted during the night; and every such person who fails to put up such hoard or fence and such platform, with such handrail as aforesaid, or who does not, whilst the said hoard or fence is standing, keep the same well lighted during the night, shall for every such offence forfeit a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during the continuance of such default. [*See also 57 Geo. 3, c. xxix. s. 75; the Advertising Stations (Rating) Act 1889, s. 5; and 53 & 54 Vict. c. cxxliii. s. 32.*]

Hoads to be erected during repairs.

Penalty on not erecting hoards.

122. It shall not be lawful for any person to erect or set up in any street any hoard or fence or scaffold for any purpose whatever, or any posts, bars, rails, boards, or other things by way of inclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a licence in writing first had and obtained from the clerk or surveyor of the vestry or district board of the parish or district in which such street is situate; and every such licence shall state the place where and the purpose for which such hoard or fence, scaffold or inclosure, is to be set up or made, and the size thereof, and the time for which it is to be permitted to continue. [*See note on s. 121.*]

No hoard to be erected without licence from vestry or district board.

123. If any person erect or set up in any street any hoard or fence or scaffold for any purpose whatever, or any posts, bars, rails, boards, or other things by way of inclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a licence from the vestry or district board, or do any such act as aforesaid in any other manner than as permitted by such licence, or continue the same beyond the time stated in such licence, or fail to keep any hoard, fence, platform, or handrail in good repair, he shall for every such offence forfeit a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during the continuance of such offence; and it shall be lawful for the vestry or board to cause such hoard, fence, scaffold, or inclosure to be pulled down, and the materials thereof, and also all the bricks, mortar, lime, or other building materials, or

If hoard be erected or materials be deposited in any manner otherwise than to the satisfaction of the vestry or district board, the same may be removed.

other matters or things contained within any such inclosure, to be removed, and deposited in such place as the vestry or board may think fit, and to be kept until the charges of pulling down and removing the same be paid to the vestry or board; and in case the same be not claimed and the said charges paid within the space of eight days next after such seizure thereof, it shall be lawful for the vestry or board to order the same to be sold, and by and out of the proceeds of such sale to pay such charges, rendering any surplus to the owner or other person by law entitled thereto; and in case the proceeds of such sale be insufficient to cover such charges, and the charges of selling and disposing of such materials, matters, and things, the deficiency shall be repaid by the owner of such materials, matters, and things to the vestry or district board, on demand. [See note on s. 121.]

Providing
against acci-
dents in lay-
ing out new
streets, etc.

124. Every person laying out or opening any new street, or building therein, shall, during the operations necessary for forming such new street, or for building therein, take all such precautions for guarding against injury to the passengers along such street as may be directed by the vestry or district board of the parish or district within which such operations are being carried on; and if any person fail to comply with the directions of such vestry or district board, within such time as may be limited by them, such vestry or district board may do whatever may be necessary for carrying the same into effect, and the expenses thereby incurred shall be repaid to such vestry or district board by the person laying out or opening such new street, or building therein, as aforesaid, and shall be recoverable by them from such person in manner provided by this Act. [See also 57 & 58 Vict. c. cxxiii. part ii.]

125—129. [As to employment of scavengers and collection of refuse. Rep. 54 & 55 Vict. c. 76, s. 142. See *ibid.* ss. 29—34.]

Vestries and
district
boards to
cause streets
to be lighted.

130. Every vestry and district board shall cause the several streets within their parish or district to be well and sufficiently lighted, and for that purpose shall maintain, or set up and maintain, a sufficient number of lamps in every such street, and shall cause the same to be lighted with gas or otherwise, and to continue lighted at and during such times as such vestry or board may think fit, necessary, or proper; and all public lamps, and the lamp posts and lamp irons and fittings thereof, to be provided by any vestry or district board, shall vest in such vestry or board. [See also 23 & 24 Vict. c. 125, s. 22; 35 & 36 Vict. c. lxxvi. s. 3; 36 Vict. c. vii. s. 2; 39 & 40 Vict. c. lxxix. s. 34; 50 & 51 Vict. c. clxxii. s. 14; 51 & 52 Vict. c. 41, ss. 3 (viii.), 11, and 79 (2), and notes thereon; 56 & 57 Vict. c. cxxxi. s. 20; 60 & 61 Vict. c. cxxiv. s. 6; 62 & 63 Vict. c. 14, s. 6 (1); 63 & 64 Vict. c. cxxix. s. 43; and various provisions in *Bridges Acts in this work.*]

131. [Licensing of slaughterhouses. Rep. 25 & 26 Vict. c. 102, s. 92. See also 54 & 55 Vict. c. 76, ss. 19 and 20.]

132—134. [As to appointment of medical officers and inspectors of nuisances—Vestries and district boards to execute the Nuisances Removal Acts. Rep. 54 & 55 Vict. c. 76, s. 142. See *ibid.* ss. 106—108, and 139.]

Duties and Powers of Metropolitan Board of Works.

135. The sewers mentioned in Schedule (D.) to this Act, being the main sewers now vested in the Commissioners of Sewers of the City of London and in the Metropolitan Commissioners of Sewers respectively, with the walls, defences, banks, outlets, sluices, flaps, penstocks, gullies, grates, works, and things thereunto belonging, and the materials thereof, with all rights of way and passage used and enjoyed by such Commissioners respectively over and to such sewers, works, and things, and all other rights concerning or incident to such sewers, works, and things, shall be vested in the Metropolitan Board of Works, and such board shall make such sewers and works as they may think necessary for preventing all or any part of the sewage within the metropolis from flowing or passing into the River Thames in or near the metropolis,* . . . and shall also make all such other sewers and works, and such diversions or alterations of any existing sewers or works vested in them under this Act, as they may from time to time think necessary for the effectual sewerage and drainage of the metropolis, and shall discontinue, close up, or destroy such sewers for the time being vested in them under this Act as they may deem unnecessary, and such Board shall from time to time repair and maintain the sewers so vested in them, or such of them as may not be discontinued, closed up, or destroyed as aforesaid; and for the purposes aforesaid such Board shall have full power and authority to carry any such sewers or works through, across, or under . . . any street or place laid out as or intended for a street, as well beyond as within the limits of the metropolis, or through or under any cellar or vault under the carriageway or pavement of any street, and into, through, or under any lands whatsoever within or beyond the said limits, making compensation for any damage done thereby as herein-after provided, and all sewers and works from time to time made by the said Board shall vest in them; and the said Board shall cause the sewers vested in them to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied, and for the purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary, and may cause the sewage and refuse from such sewers to be sold or disposed of as they may see fit, but so as not to create a nuisance, and the money arising thereby shall be applied towards defraying the expenses of such Board. [*Parts omitted (date for completion of certain sewers) rep. 32 & 33 Vict. c. 102, s. 59; and (as to turnpike roads) spent. See the Highways and Locomotives (Amendment) Act 1878, s. 13; 51 & 52 Vict. c. 41, s. 11; and 62 & 63 Vict. c. 14, s. 6. See also 21 & 22 Vict. c. 104, and 57 & 58 Vict. c. cexii. s. 16.*]

Main sewers vested in the Metropolitan Board of Works, and power to such board to make sewers.

136. [*Plans of works for preventing sewage passing into the Thames to be approved by Commissioners of Works. Rep. 21 & 22 Vict. c. 104, s. 25.*]

* As to districts outside the metropolis now discharging sewage into the metropolitan main drainage system, see 34 & 35 Vict. c. cxxix.; 35 & 36 Vict. c. clxiii.; 36 & 37 Vict. c. cxxviii.; 54 & 55 Vict. c. ccv.; 56 & 57 Vict. c. cciv.; 59 & 60 Vict. c. cxxlvii.; 60 & 61 Vict. c. cxlii. part v.; 61 & 62 Vict. c. cxliii.; Penge Scheme 1900 made under 62 & 63 Vict. c. 14; 3 Edw. 7, c. clxxxviii. part ix.

Metropolitan Board may declare sewers to be main sewers and take under their jurisdiction sewerage matters under jurisdiction of vestries and district boards.

Metropolitan Board to make orders for controlling vestries and district boards in construction of sewers, etc.

Metropolitan Board may direct appointments to be made for two parishes or districts jointly.

Or may place a street in different parishes under the management of one vestry, or part of a parish under the management of vestry of adjoining parish.

137. In case it appear to the Metropolitan Board of Works that any sewers in the metropolis not herein-before vested in such Board ought to be considered main sewers, and to be under their management, it shall be lawful for such Board, by an order under their seal, to declare the same to be main sewers, and thereupon the same shall vest in and be under the management of the said Board; and it shall also be lawful for the said Board by any such order to take under their jurisdiction and authority any other matters in relation to sewerage and to drainage with respect to which jurisdiction or authority is by this Act vested in any vestry or district board.

138. The Metropolitan Board of Works shall from time to time, in order to secure the efficient maintenance of the main and general sewerage of the metropolis, make such general or special order as to them may seem proper for the guidance, direction, and control of the vestries of parishes and district boards in the levels, construction, alteration, and maintenance and cleansing of sewers in their respective parishes or districts, and for securing the proper connexion and intercommunication of the sewers of the several parishes and districts and their communications with the main sewers vested in the said Metropolitan Board, and generally for the guidance, direction, and control of vestries and district boards in the exercise of their powers and duties in relation to sewerage; and all such orders shall be binding upon such vestries and boards. [*See also ss. 83 and 204; 25 & 26 Vict. c. 102, ss. 32, 45—51, 68, 69, and 83; 53 & 54 Vict. c. 66, ss. 4 and 5; 53 & 54 Vict. c. cxxliii. s. 39; 56 & 57 Vict. c. cxxxi. s. 23; and 57 & 58 Vict. c. cxxii. ss. 8—17.*]

139. The Metropolitan Board of Works, where it appears to them expedient that any officer or set of officers necessary for any of the purposes of this Act should act for a larger area than is comprised in one parish or district, or for parts of different parishes or districts, may, with the consent of the vestries or boards of such parishes or districts, direct that such vestries or boards shall unite in the appointment and removal of such officer or set of officers; and the said Metropolitan Board shall in such case direct the mode in which the respective bodies or committees thereof shall act together for the purposes of every such appointment and removal, and the proportions in which the salary or salaries of such officer or officers shall be borne and paid by every such parish and district respectively. [*See 54 & 55 Vict. c. 76, ss. 99 (4), 106 (2), and 108 (1) and (2) (b); and 62 & 63 Vict. c. 14, s. 8 (4).*]

140. It shall be lawful for the Metropolitan Board of Works, where it appears to them that any street or line of street, being in more than one parish or district, should be placed under the exclusive management of one vestry or district board for the purposes of paving, lighting, watering, and cleansing, or any of them, or for the purposes of sewerage and drainage, or for all the purposes of this Act, to order that the same shall be under the management of such vestry or board accordingly; and it shall also be lawful for the said Metropolitan Board, where it appears to them that any part of any parish or district is so detached or situate that it would be convenient for the purposes of sewerage or drainage that the same should be placed under the management of the vestry or district board of any adjoining parish or district, to order that such part shall, for such purposes, be under the management of such vestry or district board. [*See s. 160 and 25 & 26 Vict. c. 102, s. 86.*]

141. [*Naming of streets and numbering of houses. Rep. 25 & 26 Vict. c. 102, s. 87. See 57 & 58 Vict. c. cxxiii. ss. 32—38.*]

142. [*Register of alterations of street names to be kept. Rep. 57 & 58 Vict. c. cxxiii. s. 215. See *ibid.* s. 38.*]

143. [*Building line. Rep. 25 & 26 Vict. c. 102, s. 75. See 57 & 58 Vict. c. cxxiii. ss. 22 et seq.*]

144. The Metropolitan Board of Works shall have power to make, widen, or improve any streets, roads, or ways, for facilitating the passage and traffic between different parts of the metropolis, or to contribute and join with any persons in any such improvements as aforesaid, and to take, by agreement or by gift, any land, rights in land, or property, for the purposes aforesaid (or otherwise) for the improvement of the metropolis, on such terms and conditions as they may think fit; and such Board, where it appears to them that further powers are required for the purpose of any work for the improvement of the metropolis or public benefit of the inhabitants thereof, may make applications to Parliament for that purpose, and the expenses of such application may be defrayed as other expenses of the said Board. . . . [Part omitted (*plans of works, where expenses exceed £50,000, to be approved by Commissioners of Works, and where they exceed £100,000, works to be sanctioned by Parliament*) rep. 21 & 22 Vict. c. 104, s. 25. See also 19 & 20 Vict. c. 112, s. 10; 57 Geo. 3, c. xxix. ss. 80—96; 25 & 26 Vict. c. 102, ss. 72, 73; and the County Councils (Bills in Parliament) Act 1903 (*Appendix*).]

Power to
Metropolitan
Board to
make im-
provements.

145—147. [*Determination of Metropolitan Commissioners of Sewers, and as to current proceedings and rates. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

148. All property, matters, and things whatsoever vested in the Metropolitan Commissioners of Sewers,* except such sewers as are hereby vested in any vestry or district board, and except such sewers as are not within the limits of the parishes and places mentioned in the schedules to this Act, shall be vested in the Metropolitan Board of Works. . . . [Part omitted (*as to existing debts, contracts, etc.*) rep. 55 & 56 Vict. c. 19 (S.L.R.).]

Property
vested in
Metropolitan
Commission-
ers of Sewers
(except
sewers trans-
ferred to ves-
tries and dis-
trict boards)
transferred to
the Metro-
politan Board
of Works.

*Auxiliary Powers common to the Metropolitan Board of Works
and to Vestries and District Boards.*

149. The Metropolitan Board of Works, and every district board and vestry, may enter into all such contracts as they may think necessary for carrying this Act into execution; and every such contract for works or materials whereof the value or amount exceeds ten pounds, shall be in writing or print, or partly in writing and partly in print, sealed with the seal of the board or vestry; and every contract so entered into, and duly executed by the other parties thereto, shall be binding on the board or vestry and their successors, and upon all other parties thereto: Provided always, that it shall be lawful for any such board or vestry to compound with any contractor or other person in respect of any penalty incurred by reason of the nonperformance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or in any bond or otherwise, for such sum of money or other recompence as to the board or vestry may seem proper.

Power to
boards and
vestries to
enter into
contracts
for carrying
Act into
execution.

Power to
compound
for penalties
in respect of
breach of
contracts.

* See footnote to s. 68.

Power to
boards and
vestries to
purchase
lands, etc.
for the
purposes
of this Act.

150. It shall be lawful for the Metropolitan Board of Works and every district board and vestry to purchase, or to take on lease for such term as they may think fit, any land, or any right or easement in or over any land which they may deem necessary or expedient for the formation or protection of any works which they are authorized to execute under this Act, also any offices and other buildings, yards, stations, or places for deposit of refuse, materials, and things, or any land for the erection and formation of such offices and other buildings, yards, stations, or places for deposit: and also to contract for the purchase, removal, or abatement of any milldam, pound, weir, bank, wall, lock, or other obstruction to the flow of water, whereby sewerage or drainage is interrupted or impeded, and for the purchase of any land, or any right or easement in or over any land, which it may be necessary or expedient to purchase to prevent the obstruction of sewerage or drainage; and also to purchase or take on lease as aforesaid the whole or any part of any streams or springs of water, or any rights therein, which it appears to them necessary to acquire and use for the purposes of cleansing sewers and drains and the other purposes of this Act, or any land which is deemed by them advisable to purchase or take on lease for the purpose of drawing or obtaining water from springs, or by sinking of wells, and for making and providing reservoirs, tanks, aqueducts, watercourses, and other works, or for any other purpose connected with the works for obtaining such supply of water as aforesaid: Provided always, that nothing herein contained shall authorize the said Metropolitan Board, or any district board or vestry, to use or permit to be used any such works for the purpose of carrying water by supply pipes into any house or factory for domestic, manufacturing, or commercial purposes. [*See 25 & 26 Vict. c. 102, s. 22, and 57 & 58 Vict. c. cexii. s. 4.*]

Certain
provisions of
8 & 9 Vict.
c. 18. incor-
porated with
this Act.

151. For the purpose of enabling the said Metropolitan Board, and every district board and vestry, to obtain any land, or any right or easement in or over any land, which they respectively may require for the purposes of this Act, "The Lands Clauses Consolidation Act, 1845," except the provisions of that Act with respect to the recovery of forfeitures, penalties, and costs, shall, subject to the provisions herein contained, be incorporated with this Act: and the provisions of the said Act so incorporated with this Act which would be applicable in the case of a purchase of any land shall be applicable in the case of a purchase of a right or easement in or over any land; and for the purposes of this Act the expression "the promoters of the undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Board, or the district board or vestry, acting under the provisions of the said Act and this Act, as the case may be.

Lands not to
be taken
compulsorily,
except by
Metropolitan
Board, with
consent of
Secretary
of State.

152. Provided always, that the provisions of the said Lands Clauses Consolidation Act "with respect to the purchase and taking of lands otherwise than by agreement" shall not be incorporated with this Act, save for enabling the Metropolitan Board of Works to take land, or any right or easement in or over land, for the purpose of making any sewers or works for preventing the sewage or any part of the sewage within the metropolis from passing into the Thames in or near the metropolis, or otherwise for the purpose of the sewerage or drainage of the metropolis: Provided also, that no land, or right or easement in or over land, for the purposes

aforesaid, shall be taken compulsorily by the said Board, without the previous consent in writing of one of Her Majesty's principal Secretaries of State. [See also 21 & 22 Vict. c. 104, s. 3; and 25 & 26 Vict. c. 102, s. 22.]

153. The Metropolitan Board of Works, before applying for the consent of the Secretary of State for taking land, or any right or easement in or over land, compulsorily, as aforesaid, shall publish, once at the least in each of four consecutive weeks, in one of the daily newspapers published in the metropolis, an advertisement describing the nature of the works in respect of which the land, right or easement, is proposed to be taken, naming a place where a plan of the proposed work is open for inspection at all reasonable hours, and stating the quantity of land or the particulars of the right or easement that they require for the purpose of such works, and shall serve a notice on the owners or reputed owners, lessees or reputed lessees, and occupiers of the land intended to be taken, or of the land in or over which such right or easement is intended to be taken, such service to be made four weeks previously to the application to such Secretary of State, and such notice shall state the particulars of the land, right or easement, so required, and that the Metropolitan Board are willing to treat for the purchase thereof, and as to the compensation to be made for the damage that may be sustained by reason of the proposed works.

Previous notice to be given.

154. The Metropolitan Board of Works, and any district board or vestry, [may sell and dispose of any land purchased by them under this Act, and any property whatsoever vested in them under this Act, which it may appear to them may be properly sold or disposed of; and for completing and carrying any such sale of any land into effect such board may make and execute a conveyance of the land sold and disposed of as aforesaid unto the purchaser, or as he shall direct, and such conveyance shall be under the seal of the said board or vestry; and the word "grant" in such conveyance shall have the same operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same word in a conveyance of lands made by the promoters of the undertaking; and a receipt under the seal of the said board or vestry shall be a sufficient discharge to the purchaser of any such land or any other such property as aforesaid for the purchase money in such receipt expressed to be received; and the money arising from such sale of any land purchased under this Act, and (except as herein-after otherwise provided) of any such property, shall be applied in aid of the rate out of which the expenses of the purchase of such land or providing such property have been or are authorized to be defrayed under this Act; and the money arising from the sale of any property vested in any such board or vestry under this Act, and which, before becoming so vested, was vested in any commissioners or other body, or in any officer of any commissioners or other body, or in any surveyor of highways, shall be applied in or towards the discharge of any debts or liabilities for the discharge whereof rates are by this Act authorized to be raised in the parish or part to the commissioners or other body for the management of the paving, lighting, or cleansing whereof such property may have belonged before the commencement of this Act, and, subject as aforesaid, shall be applied in aid of such rate to be raised under this Act in such parish or part as to the board or vestry disposing of such property may seem just; and any such board or

Power to dispose of lands or property not wanted.

vestry] may let any land purchased by or vested in them under this Act, and which for the time being is not required for the purposes thereof, in such manner and on such terms as such board or vestry may see fit. [*Words in square brackets rep. (except so far as they apply to the Metropolitan Board of Works) 62 & 63 Vict. c. 14, s. 35. See ibid. s. 6 (5). See also 32 & 33 Vict. c. 102, s. 45: the Conveyancing and Law of Property Act 1881, s. 49; 47 & 48 Vict. c. 50, s. 23; 51 & 52 Vict. c. 41, ss. 64 (3) and 65 (3); and 53 & 54 Vict. c. 41, s. 24.*]

Owners of land may on sale reserve a right of pre-emption.

155. Provided always, that where any land or any right or easement in or over land is purchased by the said Metropolitan Board, or any district board or vestry, under this Act, it shall be lawful for the owners of or parties entitled to sell or convey such land, right or easement, to reserve upon the sale thereof to such board or vestry in and by the conveyance such right of pre-emption to the person for the time being entitled to the land (if any) from which the land so purchased was severed, or in or over which such right or easement is granted, as is provided by sections 128, 129, and 130 of the said Lands Clauses Consolidation Act : but, except where such right of pre-emption is so reserved, there shall be no such right, notwithstanding the incorporation of the said Lands Clauses Consolidation Act with this Act.

Penalty for withholding property transferred to Metropolitan Board or any vestry or district board.

156. In case any person having the charge, control, or possession of any property, matters, or things vested in the Metropolitan Board of Works, or the vestry of any parish, or any district board, by or under this Act, neglect or refuse to give up the same, on demand, to such board or vestry, or such person as they respectively may order, every person so offending shall, upon being convicted thereof before any two Justices of the Peace, for every such offence forfeit and pay, over and above the value of the property not given up, such sum not exceeding five pounds as the said Justices may think fit.

157. [*Breaking up turnpike roads. Rep. 25 & 26 Vict. c. 102, s. 33.*]

Provisions for defraying Expenses of Vestries and District Boards.

How sums to be raised by vestries and district boards for defraying their expenses.

158. Every vestry and district board shall from time to time, by order under their seal, require the overseers of their parish, or of the several parishes in their district, to levy, and to pay over to the treasurer of such vestry or board, or into any bank in such order mentioned, and within the time or times thereby limited, the sums which such vestry or board may require for defraying the expenses of the execution of this Act (and such orders may be made wholly or in part in respect of expenses already incurred or of expenses to be thereafter incurred); and every such vestry and board shall distinguish in their orders sums required for defraying expenses of constructing, altering, maintaining, and cleansing the sewers or otherwise connected with sewerage, and also, where the Act of the session holden in the third and fourth years of King William the Fourth, chapter ninety,* or any other Act by virtue whereof land is rated in respect of expenses of lighting at a less amount in proportion to the annual value thereof than houses, or is wholly exempted from being rated in respect of such expenses, is in force in any parish, or any part of any parish, at the time of the passing

* The Lighting and Watching Act 1833.

of this Act, distinguish, as regards such parish or part, the sums required for defraying expenses of lighting their parish or district from sums required for defraying other expenses of executing this Act. . . . [*Part omitted (as to sewerage expenses) rep. 62 & 63 Vict. c. 14, s. 35, and see ibid. s. 11. See also the Extra-parochial Places Act 1857, s. 3.**]

159. Where it appears to any vestry or district board that all or any part of the expenses for defraying which any sum is by such vestry or board ordered to be levied as aforesaid have or has been incurred for the special benefit of any particular part of their parish or district, or otherwise have or has not been incurred for the equal benefit of the whole of their parish or district, such vestry or board may, by any such order, direct the sum or sums necessary for defraying such expenses or any part thereof to be levied in such part, or exempt any part of such parish or district from the levy, or require a less rate to be levied thereon, as the circumstances of the case may require; and any such board may refrain, where any entire parish ought in their judgment to be so exempt, from issuing an order for levying any money thereon, notwithstanding they may issue an order or orders for levying sums upon any other parish or parishes in their district. [*See 62 & 63 Vict. c. 14, s. 10.*]

Vestries and boards may exempt parts not benefited by expenditure from payment.

160. Where part of any parish is placed for all or any of the purposes of this Act under the management of the vestry or district board of an adjoining parish or district, the sums which such vestry or board may require for defraying the expenses of executing this Act by such vestry or board in the part so placed under their management shall be from time to time paid, upon their orders, by the vestry of the parish whereof such part is so placed under the management of such other vestry or board, or if such parish is comprised in a district formed by this Act then by the district board of such district; and such sums shall be raised by the vestry or board upon whom such orders are made in like manner as if the expenses in respect whereof the same are required had been incurred by them in executing this Act. [*See s. 140 and note thereon.*]

Provisions for cases where a part of a parish is placed under the management of the vestry or board of adjoining parish or district.

161—169. [*Levying and collection of rates. Rep. 62 & 63 Vict. c. 14, s. 35.*]

Provisions for defraying Expenses of Metropolitan Board.

170. [*Metropolitan Board to assess upon the city and metropolis sums for execution of Act by the Board. Rep. 25 & 26 Vict. c. 102, s. 5. (q.v.).*]

171. The clerk of the said Metropolitan Board, or any person authorized by the said Board in this behalf, may from time to time inspect . . . any returns concerning all or any of the parishes and places, whether parochial or extra-parochial, in the metropolis, delivered or to be delivered in pursuance of any Act relating to county rates, and any rate made by the Commissioners of Sewers of the City of London, and any valuation on which the same is made, and may take copies or extracts from any such rates, basis or standard, returns or valuation, without payment of any fee or

Power to Metropolitan Board, or any one authorized by them, to inspect rates made for county or part of county within the metropolis.

* S. 3 of the Extra-parochial Places Act 1857 is as follows: "3. In each of the places termed the Inner Temple, the Middle Temple, . . . the officer for the time being acting as the under treasurer of such Inn of Court . . . shall be the overseer of such place; and in default of any such officer, the Justices having jurisdiction in such Inns . . . respectively shall appoint some inhabitant householder therein to be the overseer thereof for the then current year, and thenceforth from year to year so long as the office of under treasurer . . . shall be vacant."

reward; and if any person having the custody of any such rate, basis or standard, return or valuation, wilfully neglect or refuse to permit any such clerk or person authorized as aforesaid to inspect the same, or to take copies or extracts of or from the same, at all reasonable times, he shall forfeit for every such offence any sum not exceeding ten pounds. [*Part omitted (as to inspection of rates) rep. 61 & 62 Vict. c. 22 (S.L.R.). See also 20 & 21 Vict. c. 64, s. 13; 25 & 26 Vict. c. 102, s. 15; 56 & 57 Vict. c. cxxi. s. 14; and the City of London Sewers Act 1897.*]

172—179. [*Provisions for raising expenses of Metropolitan Board. Rep. 62 & 63 Vict. c. 14, s. 35.*]

180—182. [*Provisions for discharging liabilities under local paving Acts and liabilities of Metropolitan Commissioners of Sewers—Where Metropolitan Commissioners of Sewers have incurred expenses, Metropolitan Board may levy such rates as remain due. Spent.*]

General Powers to Metropolitan and District Boards and Vestries to borrow.

Power to
boards and
vestries to
borrow
money on
mortgage.

183. It shall be lawful for the Metropolitan Board and every district board and vestry, for the purposes of defraying any expenses incurred or to be incurred by them in the execution of this Act, to borrow and take up at interest, on the credit of all or any of the monies or rates authorized to be raised by them under this Act, any sums of money necessary for defraying any such expenses; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, such board or vestry may mortgage and assign over to the persons by or on behalf of whom such sums are advanced the respective monies or rates upon the credit of which such sums are borrowed; and the respective mortgagees shall be entitled to a proportion of the monies or rates comprised in their respective mortgages, according to the sums in such mortgages mentioned to have been advanced; and each mortgagee shall be entitled to be repaid the sums so advanced, with interest, without any preference over any other mortgagee or mortgagees by reason of any priority of advance or the date of his mortgage: Provided always, that no monies shall be so borrowed by any district board or vestry without the previous sanction in writing of the said Metropolitan Board. [*Rep. (so far as relates to the mode of borrowing by the Metropolitan Board) 32 & 33 Vict. c. 102, s. 50. See also 25 & 26 Vict. c. 102, s. 72; 54 & 55 Vict. c. 76, s. 105; 56 & 57 Vict. c. 47, s. 3; 59 & 60 Vict. c. clxxxviii. s. 32; 62 & 63 Vict. c. 14, s. 4 (1); and the Electric Lighting Act 1882, s. 7.*]

No priority
amongst
mortgagees.

184. [*Power to Public Works Loans Commissioners to make advances. Rep. 32 & 33 Vict. c. 102, s. 50, and 38 & 39 Vict. c. 66 (S.L.R.). See 25 & 26 Vict. c. 102, s. 20.*]

Form of
mortgage.

185. Every mortgage authorized to be made under this Act shall be by deed duly stamped, truly stating the date, consideration, and the time of payment, and shall be sealed with the seal of the board or vestry, and may be made according to the Form (E.) contained in the schedule to this Act annexed, or to the like effect, or with such variations or additions in each case as the board or vestry and the party advancing the money intended to be thereby secured may agree to; and there shall be kept at the office of the board or vestry a register of the mortgages made by them, and within fourteen

Register of
mortgages.

days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and descriptions of the parties thereto, as stated in the deed; and every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds. [*Rep. (as regards the Metropolitan Board of Works) 32 & 33 Vict. c. 102, s. 50.*]

186. The board or vestry making any such mortgage may, if they think proper, fix a time or times for the repayment of all or any principal monies borrowed under this Act, and the payment of the interest thereof respectively, and may provide for the repayment of such monies, with interest, by instalments or otherwise, as they may think fit; and in case the board or vestry fix the time or times of repayment they shall cause such time or times to be inserted in the mortgage deed; and at the time or times so fixed for payment thereof such principal monies and interest respectively shall, on demand, be paid to the party entitled to receive the same accordingly; and if no other place of payment be inserted in the mortgage deed, the principal and interest shall be payable at the principal office of the board or vestry, and, unless otherwise provided by any mortgage, the interest of the money borrowed thereupon shall be paid half-yearly; and if no time be fixed in the mortgage deed for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months previous notice for that purpose; and in the like case the board or vestry may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee shall be given in manner herein provided for service of notices on the board or vestry, and if given by the board or vestry shall be given either personally to such mortgagee or left at his residence, or if such mortgagee or his residence be unknown to them, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette*; and if the board or vestry have given notice of their intention to pay off any such mortgage at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the board or vestry fail to pay the principal and interest due at the expiration of such notice on such mortgage. [*Note to s. 185 applies; and see s. 220.*]

Repayment of money borrowed at a time agreed upon.

Interest on mortgages to be paid half-yearly.

As to repayment of money borrowed when no time has been agreed upon.

Interest to cease on expiration of notice to pay off a mortgage debt.

187. It shall be lawful for the said Metropolitan Board, with respect to any security granted by the Metropolitan Commissioners of Sewers, or granted by such Board under this Act, and for every district board and vestry, with respect to any security for any existing debt or liability which such board or vestry are by this Act required to discharge, and any security granted by such board or vestry under this Act, to raise and borrow the monies necessary for paying off such security, and to pay off the same; and the monies borrowed for the purpose of such payment shall be secured and repaid in like manner as if borrowed for defraying the expenses

Power to borrow to pay off existing securities.

of the execution of this Act : Provided always, that nothing herein contained shall extend to authorize the paying off of any security otherwise than in accordance with the provisions thereof. [*Note to s. 185 applies.*]

Payment of principal and interest may be enforced by the appointment of a receiver.

188. If at the expiration of six months from the time when any principal money or interest has become due upon any mortgage made under this Act, . . . and after demand in writing, the same be not paid, the mortgagee may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to two Justices, who are hereby empowered, after hearing the parties, to appoint, in writing under their hands and seals, some person to collect and receive the whole or a competent part of the monies or rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and the costs of collection, are fully paid ; and upon such appointment being made all such monies or rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees, and shall be rateably apportioned between or among them, but subject and without prejudice to such rights of priority, if any, as shall then be subsisting between the mortgagees or any of them : Provided always, that no mortgagee shall be prejudiced, either directly or indirectly, by any loss which may be occasioned by the misapplication or nonapplication of any monies or rates received by any receiver appointed otherwise than upon the application or with the express consent of such mortgagee, or by any act, deed, neglect, or default on the part of such receiver, but such loss shall be wholly borne by the mortgagee or mortgagees upon whose application or with whose express consent such receiver was appointed : Provided also, that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application be made by two or more mortgagees to whom there may be due, after such lapse of time, and demand, as last aforesaid, monies collectively amounting to that sum. [*Note to s. 185 applies. Part omitted (as to moneys due under the Metropolitan Sewers Act 1848) spent. See also 2 & 3 Vict. c. 71, s. 14.*]

Transfer of mortgages.

Register of transfers.

189. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date, the names and descriptions of the parties thereto, and the consideration for the transfer ; and such transfer may be according to the form contained in the Schedule (F.) to this Act annexed, or to the like effect ; and there shall be kept at the office of every board and vestry making any mortgages under this Act a register of the transfers of such mortgages ; and within thirty days after the date of any such deed of transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom if executed elsewhere, the same shall be produced to the clerk of the board or vestry making the mortgage ; and such clerk shall, upon payment of the sum of five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer ; and upon any transfer being so registered, the transferee, his executors, administrators, or assigns, shall be

entitled to the full benefit of the original mortgage, and the principal and interest secured thereby; and every such transferee may in like manner transfer his estate and interest in any such mortgage; and no person, except the person to whom the same has been last transferred, his executors, administrators, or assigns, shall be entitled to release or discharge any such mortgage, or any money secured thereby. [*Note to s. 185 applies.*]

190. For the purpose of providing a fund for paying off mortgages granted under this Act, the board or vestry granting such mortgage shall once in every year set aside, out of the monies or rates charged thereby, such sum as they think proper, being not less than two pounds per centum on the amount of the principal monies secured thereby; and the sum so from time to time set aside, and all other monies applied by the board or vestry in augmentation of the said fund, shall be applied, in the manner herein-after directed, in payment, so far as the same will extend, of the principal money secured by such mortgages, or the same shall be invested in the public funds, or on Government or real security, in the name of the board or vestry; and the dividends and interest of the monies so invested, when and as the same become due, shall from time to time be received and invested in like manner, in order that the said monies so set aside and invested may accumulate at compound interest; and when such accumulated fund amounts to a sum which, in the opinion of the board or vestry, can be conveniently applied for that purpose, the stocks, funds, or securities whereon the same is invested shall be sold or otherwise converted into money, and the monies arising from any such sale and conversion shall be applied, in the manner herein-after directed, in payment, so far as the same will extend, of the said principal monies, and so from time to time until the whole of the said principal monies are discharged. [*Note to s. 185 applies. See also the Housing of the Working Classes Act 1903, s. 15.**]

Sinking fund to be formed for paying off mortgages.

191. When and as often as the board or vestry are enabled and think it expedient to pay off one or more of the said mortgages, they shall cause the several numbers of such mortgages to be written upon distinct slips of paper of an equal size, and all such slips shall be rolled or folded up in a similar form, and put in a box, and the clerk of the said board or vestry shall, at a meeting of the board or vestry, draw separately out of the said box one of the said slips, and thereupon the mortgage corresponding with the number so drawn shall be paid off by the board or vestry; and after every such ballot the board or vestry shall cause a notice, signed by the clerk, to be given to the person entitled to the money to be paid off, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified in such notice, at the expiration of six months from the date of giving such notice; and at the expiration of such period the interest of the principal money to be paid off shall cease, unless such principal money and interest be not paid, on

Mode of paying off mortgages.

* S. 15 of the Housing of the Working Classes Act 1903 is as follows:—"15. For the purposes of carrying into effect the provisions of this Act as to the maximum period for which money may be borrowed, eighty years shall be substituted for sixty years in section twenty-seven of the Metropolitan Board of Works (Loans) Act 1869, and such sum as will be sufficient, with compound interest, to repay the money borrowed within such period, not exceeding eighty years, as may be sanctioned by the London County Council, shall be substituted for two pounds per cent. in section one hundred and ninety of the Metropolis Management Act 1855."

demand, pursuant to such notice; but such principal money, and the interest thereof to the end of the said six months, shall nevertheless be payable, on demand. [*Note to s. 185 applies.*]

192—197. [*Audit of accounts.* Rep. 62 & 63 Vict. c. 14, s. 35. See *ibid.* s. 14.]

Annual Reports.

Annual reports by vestries and district boards.

198. Every such vestry as aforesaid and district board shall in the month of June in every year cause to be printed . . . a report of their proceedings in the execution of this Act, and of the works commenced and completed respectively in the preceding year by such vestry or board, and the works remaining in progress at the termination of such year, and also of any proceedings taken by them or under their authority in the preceding year, in pursuance of any regulations of the General Board of Health* for the time being in force, or otherwise, for the removal of nuisances or the improvement of the sanitary condition of their parish or district; . . . and every such vestry and board shall in the said month of June send a copy of every such . . . report, together with a printed list of the names and addresses of the members of such vestry and board, and of their officers, to the Metropolitan Board of Works: and every vestry and district board shall permit inspection at their office of a copy of any such . . . report by any ratepayer in their parish or district, without payment, at all reasonable times, and shall also permit the like inspection by the public generally of such list of officers; and copies of such . . . report, and list of officers, shall be delivered to any person applying for the same, on payment of such reasonable sums, not exceeding twopence for each such copy, as may be fixed by such vestry or board in this behalf. [*Parts omitted (as to appending report of medical officer) rep. 54 & 55 Vict. c. 76, s. 142 (see *ibid.* s. 106); and (as to preparing an account in abstract, etc.) rep. 62 & 63 Vict. c. 14, s. 35.*]

Vestry to make out and publish yearly a list of estates, charities, and bequests, etc., with the application thereof.

199. Every such vestry as aforesaid shall cause to be made out once at least in every year a list of the several freehold, copyhold, and leasehold estates, and of all charitable foundations and bequests, if any, belonging to the parish, and under the control of the vestry, the list to contain a true and detailed account of the place where such estate or charitable foundation may be situate, or in what mode and security such bequest may be invested, specifying also the yearly rental of each, and the particular appropriation thereof, together with the names of the persons partaking of their benefit (except where such benefit shall be allotted to the poor of the parish generally), and to what amount in each case, and also stating the name and description of the persons in whom such estates are vested, and the names and description of the trustees for each charity; and such lists shall be open for the inspection of the ratepayers at the office of the vestry clerk at the same time with the accounts when audited. . . . [*Part omitted (the words "according to the provisions of this Act") rep. 62 & 63 Vict. c. 14, s. 35. See also *ibid.* s. 23; the Charitable Trusts Act 1855, s. 44; and 56 & 57 Vict. c. cxxi. s. 14.*]

200—201. [*Annual reports of Metropolitan Board to be sent to Secretary of State and laid before Parliament.* Rep. 56 & 57 Vict. c. 54 (S.L.R.).]

* Now the Local Government Board. See the Local Government Board Act 1871.

Byelaws.

202. The Metropolitan Board of Works and every district board and vestry respectively may from time to time make, alter, and repeal byelaws for all or any of the purposes following: (that is to say,) for regulating the business and proceedings at their meetings and of committees appointed by them, the appointment and removal of their officers and servants, and the duties, conduct, and remuneration of such officers and servants; and the said Metropolitan Board may also from time to time make, alter, and repeal byelaws for regulating . . . the material of the pavement and roadway of new streets and roads, . . . and for regulating the dimensions, form, and mode of construction, and the keeping, cleansing, and repairing of the pipes, drains, and other means of communicating with sewers, and the traps and apparatus connected therewith: . . . and for regulating the form of appeal and mode of proceeding thereon: and generally for carrying into effect the purposes of this Act; and every such board and vestry may thereby impose such reasonable penalties as they think fit, not exceeding forty shillings, for each breach of such byelaws, and in case of a continuing offence a further penalty not exceeding twenty shillings for each day after notice of the offence from the board or vestry: Provided always, that under every such byelaw it shall be lawful for the Justices before whom any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid, or to remit the whole penalty: Provided also, that no byelaws shall be repugnant to the laws of England or to the provisions of this Act, and that no byelaw shall be of any force or effect unless and until the same be submitted to and confirmed at a subsequent meeting of the board or vestry: Provided also, that no penalty shall be imposed by any such byelaw unless the same be approved by one of Her Majesty's principal Secretaries of State. [*Amended* 62 & 63 Vict. c. 15. *Parts omitted (as to emptying, etc., cesspools, etc.)* rep. 54 & 55 Vict. c. 76, s. 142; and (*as to plans, etc., of new streets*) rep. 57 & 58 Vict. c. ccciii. s. 215. See also 53 & 54 Vict. c. cclxliii. ss. 14—20; 55 & 56 Vict. c. cccxxviii. ss. 39, 40; 56 & 57 Vict. c. cccxi. s. 10; 57 & 58 Vict. c. cccxii. s. 5; 57 & 58 Vict. c. cccxiii. s. 164; 63 & 64 Vict. c. cclxviii. ss. 25—27; 3 Edw. 7, c. clxxxvii. ss. 54, 55.]

Power to Metropolitan Board of Works to make byelaws.

Penalty for breach of byelaws.

Power to Justices to remit penalties.

203. All byelaws made and confirmed as aforesaid in pursuance of this Act shall be printed and hung up in the principal office of the board or vestry, and be open to public inspection without payment, and copies thereof shall be delivered to any person applying for the same, on payment of such sum, not exceeding twopennee, as the board or vestry shall direct; and such byelaws, when so published, shall be binding upon and be observed by all parties, and shall be sufficient to justify all parties acting under the same; and the production of a printed copy of such byelaws, authenticated by the seal of the board or vestry, shall be evidence of the existence, and of the due making, confirmation, and publication of such byelaws, in all prosecutions under the same, without adducing proof of such seal or of the fact of such confirmation or publication of such byelaws.

Publication of byelaws.

Evidence of byelaws.

Provisions for Protection of Property and Works of Metropolitan and District Boards and Vestries, and preventing Obstruction in Execution of Works.

204. No building shall be erected in, over, or under any sewer vested in the Metropolitan Board of Works, or in any vestry or

Buildings not to be made over sewers

without
consent.

district board, without their consent first obtained in writing; and if any building be erected contrary to this provision the board or vestry in whom such sewer is vested may demolish the same, and the expenses incurred thereby shall be paid by the person erecting such building. [*See also 25 & 26 Vict. c. 102, s. 68.*]

Penalty on
persons
sweeping dirt
into sewers.

205. No scavenger or other person shall sweep, rake, or place any soil, rubbish, or filth, or any other thing, into or in any sewer or drain, or over any grate communicating with any sewer or drain, or into any dock or inlet communicating with the mouth of any sewer or drain, or into which any sewer or drain may discharge its contents, or into the River Thames contiguous thereto; and every scavenger or other person who shall so offend shall for every such offence forfeit and pay any sum not exceeding five pounds. [*See also 57 Geo. 3, c. xxix. s. 62; 2 & 3 Vict. c. 47, s. 60 (3); 57 & 58 Vict. c. clxxxvii. s. 92 (see Appendix); and 57 & 58 Vict. c. cexii. ss. 8—17.*]

Penalty for
wilfully
damaging,
etc. lamps
or other
property of
vestries or
district
boards or
of the
Metropolitan
Board.

206. If any person wilfully take away, break, throw down, or damage any lamp set up for lighting any of the streets in any parish mentioned in either of the Schedules (A.) and (B.) to this Act, or wilfully extinguish the light within the same, or damage the iron or other furniture thereof, or wilfully damage any other property vested in any vestry or district board, or any property vested in the said Metropolitan Board, it shall be lawful for any person who sees such offence committed to seize, as also for any other person to assist in seizing, the offender, and by authority of this Act, and without any other warrant, to convey him, or to deliver him into the custody of a police officer in order to be secured and conveyed, before some Justice; and if the party accused be convicted of such offence he shall forfeit the sum of forty shillings, and shall also pay to such vestry or board the amount of damage done. [*See also 2 & 3 Vict. c. 47, s. 54 (16); the Malicious Damage Act 1861, ss. 51, 52; 25 & 26 Vict. c. 102, ss. 68, 69; 54 & 55 Vict. c. 76, ss. 51, 53; and various sections in Bridges Acts.*]

Persons
carelessly or
accidentally
damaging
lamps, etc.
to make
satisfaction.

207. In case any person carelessly or accidentally break, throw down, or damage any such lamp, or the iron or other furniture thereof, or other such property as aforesaid, he shall pay the amount of damage done. [*See ss. 225 and 226.*]

Penalty on
interrupting
workmen, etc.
in execution
of duties.

208. If any person at any time obstruct, hinder, or molest any surveyor, inspector, collector, or other officer, workman, or person whomsoever employed by virtue of this Act in the performance or execution of his duty, every such person so offending shall for the first offence forfeit and pay the sum of five shillings, for the second offence the sum of twenty shillings, and for any subsequent offence the sum of five pounds.

Penalty upon
occupiers
obstructing
execution of
works, or not
disclosing
owner's name.

209. If the occupier of any premises prevent the owner thereof from carrying into effect, with respect to such premises, any of the provisions of this Act, or any order of any vestry or district board made in pursuance thereof, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such refusal or neglect; and if the occupier of any premises, when requested by or on behalf of the vestry or district board to state the name and description of the owner of the premises occupied by him, refuse or wilfully omit to disclose or wilfully mis-state the same, it shall be lawful for any Justice to summon the party to appear before him or some other Justice at a time and place to be

appointed in such summons; and if the party so summoned neglect or refuse to attend at the time and place so appointed, or if he do not show good cause for such refusal, or if such wilful omission or mis-statement be proved, the Justice before whom the party is so summoned may impose upon the offender a penalty not exceeding five pounds. [*See also* 54 & 55 Vict. c. 76, s. 116 (2); and 57 & 58 Vict. c. ccciii. s. 200 (11) (e) and (g).]

210. All savings and provisions in turnpike, railway, waterworks, improvement, and other Acts, saving and providing for the rights, powers, and authorities of the Commissioners of Sewers for any of the parts which shall be within the metropolis as defined by this Act, shall, so far as the same are not inconsistent with the provisions of this Act, continue and be in force in favour of and with reference to the Metropolitan Board of Works and the several district boards of works and vestries having the management of sewers under this Act, and in favour of the Commissioners of Sewers of the City of London, so far as such savings and provisions respectively are now applicable to them, or to any officer or person so continued by the said Board. [*See the City of London Sewers Act 1897.*]

Savings and provisions in local Acts applicable to Commissioners of Sewers to apply to Metropolitan and district boards and vestries.

Appeals.

211. Any person who deems himself aggrieved by any order of any vestry or district board in relation to the level of any building, or any order or act of any vestry or district board in relation to the construction, repair, alteration, stopping or filling up, or demolition of any building, sewer, drain, . . . may, within seven days after notice of any such order to the occupier of the premises affected thereby, or after such act, appeal to the Metropolitan Board of Works against the same; and all such appeals shall stand referred to the committee appointed by such Board for hearing appeals as herein provided; and such committee shall hear and determine all such appeals, and may order any costs of such appeals to be paid to or by the vestry or district board by or to the party appealing, and may, where they see fit, award any compensation in respect of any act done by any such vestry or district board in relation to the matters aforesaid; provided that no such compensation shall be awarded in respect of any such act which may have been done under any of the provisions of this Act on any default to comply with any such order as aforesaid, unless the appeal be lodged within seven days after notice of such order has been given to the occupier of the premises to which the same relates. [*Amended* 25 & 26 Vict. c. 102, s. 29. *See also* 54 & 55 Vict. c. 76, s. 126. *Part omitted (as to cesspools, etc.) rep.* 54 & 55 Vict. c. 76, s. 142. *See ibid.* ss. 37, 41, and 43.]

Power to appeal against orders and acts of vestries and district boards in relation to construction of works.

212. The Metropolitan Board of Works shall appoint a committee for the purpose of hearing all such appeals as may be made to the said board as aforesaid, which committee shall have power to hear and decide all such appeals; and the Metropolitan Board of Works shall from time to time fill up any vacancy in such committee; and the chairman of the said Board shall, by virtue of his office of chairman, be a member of the said committee in addition to the members appointed by the said Board, and shall preside at all meetings of such committee at which he is present; and in case of a vacancy in the office of such chairman, or in his absence, some other member of the committee shall be chosen to preside; and all the powers of

Metropolitan Board to appoint a committee for hearing appeals.

such committee may be exercised by any three of them ; and any member of such committee may at any time resign his office. [*Amended 25 & 26 Vict. c. 102, s. 29. See also 54 & 55 Vict. c. 76, s. 126.*]

213—214. [*Retiring allowances to persons employed under Metropolitan Commissioners of Sewers, and officers of paving boards. Spent.*]

Miscellaneous Clauses.

Where two or more persons are to do any act or pay any sum of money, vestry or district board may apportion the same.

215. Where, under the authority of this Act, two or more persons are or may be directed by any vestry or district board to do or join in doing any act, or to pay or join in paying any sum of money, costs, or expenses, or where any vestry or district board are authorized or think proper to permit two or more persons to join together in doing any act, or paying any sum of money, costs, or expenses, it shall be lawful for the vestry or district board to apportion the matter to be done, or the sum of money, costs, or expenses to be paid, between such persons, in such manner as the vestry or board consider just and reasonable.

Power to vestries and district boards to spread repayment of expenses over a period not exceeding twenty years.

216. In all cases where any vestry or district board is authorized to order any costs, charges, or expenses to be paid by private parties it shall be lawful for such vestry or district board to order and accept payment of such costs, charges, expenses, together with interest thereon after a rate not exceeding five pounds for the hundred by the year, by instalments, within such period, not exceeding twenty years in each case, as they may determine, the amount thereof to be recoverable in the same manner as other expenses are to be recovered under this Act. [*See ss. 225 and 226.*]

217—219. [*Recovery of expenses from owner or occupier. Rep. 25 & 26 Vict. c. 102, s. 96. See ibid. s. 97.*]

As to service of notices, etc. on Metropolitan and district boards and vestries.

220. Any summons or notice, or any writ or other process at law or in equity, or any other matter or thing whatsoever, required to be served upon the Metropolitan Board of Works or any district board or vestry, may, unless herein otherwise provided, lawfully be served by delivering the same personally to the clerk of such respective board or vestry, or by leaving the same at the principal office of such board or vestry.

As to service of notices on owners and occupiers and other persons.

221. All notices by this Act required to be given to the owner or occupier of any land or premises, or other person, may be served personally on such owner, occupier, or person, or left with some inmate of his place of abode, and any notice required to be given to any such owner or occupier may, if there be no occupier, be affixed to some conspicuous part of the land or premises, and it shall not be necessary in any notice to any owner or occupier of any land or premises to name such owner or occupier: Provided always, that where there is no occupier, and the owner of any such land or premises, and his place of abode or that of his agent is known to the vestry or board by or on behalf of whom such notice is given, or any of their officers, such notice shall be served on such owner personally, or left with some inmate of his place of abode, or transmitted to such owner through the Post Office, addressed to him at his place of abode or last known place of abode in the United Kingdom, or served on his agent as aforesaid. [*See also 54 & 55 Vict. c. 76, s. 128 ; 57 & 58 Vict. c. cxxiii. s. 188 ; 61 & 62 Vict. c. cxxxvii. s. 5 ; and the Interpretation Act 1889, s. 26.*]

222. Every notice, demand, or like document given by or on behalf of the Metropolitan Board of Works, or any vestry or district board under this Act, may be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same is given. [See also 32 & 33 Vict. c. 67, s. 65; 34 & 35 Vict. c. 113, s. 46; 54 & 55 Vict. c. 76, ss. 127 & 128; 57 & 58 Vict. c. cxxiii. s. 187; and the Interpretation Act 1889, s. 20.]

Authentica-
tion of
documents.

223. If any person against whom the Metropolitan Board of Works, or any district board or vestry, have any claim or demand, become bankrupt, . . . it shall be lawful for the clerk or collector, in all proceedings under the bankruptcy . . . , to represent such board or vestry, and act in their behalf in all respects as if such claim or demand were the claim or demand of the clerk or collector, and not of such board or vestry. [*Parts omitted (as to insolvency) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Proof of
debts in
bankruptcy.

224. [*Tender of amends. Rep. 57 & 58 Vict. c. 56 (S.L.R.). See the Public Authorities Protection Act 1893 (see Appendix).*]

225. In every case where the amount of any damage, costs, or expenses is by this Act directed to be ascertained or recovered in a summary manner, or the amount of any damage, costs, or expenses is by this Act directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount shall, in case of dispute, be ascertained and determined by and shall be recovered before two Justices; and the amount of any compensation to be made under this Act by the said Metropolitan Board, or any vestry or district board, shall, unless herein otherwise provided, be settled, in case of dispute, by and shall be recovered before two Justices, unless the amount of compensation claimed exceed fifty pounds, in which case the amount thereof shall be settled by arbitration, according to the provisions contained in the Lands Clauses Consolidation Act, 1845, which are applicable where questions of disputed compensation are authorized or required to be settled by arbitration. [See 2 & 3 Vict. c. 71, s. 14; and the Summary Jurisdiction Act 1848, s. 33.]

Compensa-
tion, damage,
and expenses,
how to be
ascertained
and re-
covered.

226. Where the amount of any compensation, or of any damage, costs, or expenses, is to be determined by or to be recovered before two Justices, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before two Justices, at a time and place to be named in such summons; and upon the appearance of such parties, or, in the absence of either of them, upon proof of due service of the summons, it shall be lawful for such two Justices to hear and determine the matter, and for that purpose to examine such parties, or any of them, and their witnesses, on oath, and make such order, as well as to costs as otherwise, as to them may seem just. [*Note to s. 225 applies.*]

Method of
proceeding
before
Justices in
questions of
damages, etc.

227. Every penalty or forfeiture imposed by this Act, or by any byelaw made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before any Justice in manner provided by the Act of the session holden in the eleventh and twelfth years of Her Majesty, chapter forty-three, "to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders." [See 25 & 26 Vict. c. 102, ss. 104 and 107.]

Penalties, etc.
to be re-
covered as
provided by
11 & 12 Vict.
c. 43.

Damages to be made good in addition to penalty.

228. If, through any act, neglect, or default on account whereof any person has incurred any penalty imposed by this Act, any damage to the property of the said Metropolitan Board, or any vestry or district board, has been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damage, in case of dispute, shall be determined by the Justices by whom the party incurring such penalty is convicted, and the payment of the amount of such damage may be enforced in all respects as such penalty.

Transient offenders.

229. It shall be lawful for any officer or servant of the said Metropolitan Board, or any vestry or district board, and for any police constable, and all persons called by him to his assistance, to seize and detain any person who has committed any offence against the provisions of this Act, or any byelaw made in pursuance thereof, and whose name and residence shall be unknown to such officer or servant or police constable, and convey him with all convenient despatch before some Justice, without any warrant or other authority than this Act; and such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Proceedings not to be quashed for want of form.

230. No act, order, or proceeding in pursuance of this Act, or in relation to the execution thereof, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts, except as herein specially provided.

Parties allowed to appeal to Quarter Sessions, on giving security.

231. If any person feel aggrieved by any adjudication or determination of any Justice or Justices with respect to any penalty or forfeiture under the provisions of this Act, such party may appeal to the General or Quarter Sessions. . . . [*Part omitted (as to procedure on appeal) rep. by the Summary Jurisdiction Act 1884, s. 4.*]

Court to make such order as they think reasonable.

232. At the General or Quarter Sessions for which such notice is given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture. . . . [*Part omitted (as to satisfaction of the party injured) rep. by the Summary Jurisdiction Act 1884, s. 4.*]

233—234. [*Penalties to be sued for within three months, and application of penalties. Rep. 25 & 26 Vict. c. 102, s. 105. See ibid. s. 107.*]

Special Provisions and Savings.

Provision for joint action of vestries and elections out of vestries under local Acts.

235. Where the vestries of any parishes mentioned in either of the Schedules (A.) and (B.) to this Act now act jointly or in union, or exercise any powers or privileges jointly or in union, or elect guardians, directors, trustees, or other persons whomsoever whose offices are not expressed to be determined by this Act for any joint purposes, the vestries of such parishes elected under this Act may act jointly or in union, and shall have the like powers and privileges jointly or in union, and elect for such joint purposes in like manner and with the like effect; and where in any of the said parishes any guardians, directors, trustees, or other persons whomsoever whose offices are not expressed to be determined by this

Act are now by law elected out of the vestry of any such parish, such guardians, directors, trustees, or other persons as aforesaid may be elected out of or from the vestrymen and persons who . . . are eligible as vestrymen for the same parish; and the office of no such guardian, director, trustee, or other person shall be determined by reason of his ceasing to be a vestryman in consequence of the passing of this Act; but every such guardian, director, trustee, or other person shall continue in office until such time as he would otherwise have ceased to hold his office. [*Words omitted* ("under this Act") *rep.* 56 & 57 *Vict. c.* 73, s. 89.]

236. [*Confirmation of an agreement of 10th August 1854, between the London and North-western Railway Company and the Paving Commissioners for certain roads in St. Pancras, and vesting the maintenance of such roads in St. Pancras Vestry.*]

237. This Act shall not divest the commissioners under an Act of the session holden in the fifth and sixth years of Her Majesty, chapter forty-eight (local), "For paving, lighting, watching, cleansing, and improving Ely Place and Ely Mews, Holborn, in the County of Middlesex," of any of the powers or property vested in them under that Act, . . . but such parts shall be subject to all the provisions of this Act relating to sewerage and house drainage, and to be assessed or rated for sewerage expenses incurred by the said district board,* and for expenses incurred by the Metropolitan Board of Works, and towards any sums required to be raised by such Board under this Act, in like manner as other parts within the said district. [*Part omitted* (*Act not to apply as to paving, lighting, watering, and cleansing streets within limits of 5 & 6 Vict. c. xlviii., and rates not to be levied for such purposes within such limits under this Act*) *rep.* 62 & 63 *Vict. c.* 14, s. 35, and the Borough of Holborn (Saffron Hill and Ely Place) Scheme 1901 made under that Act.]

Special provision as to powers of commissioners acting under 5 & 6 *Vict. c.* xlviii. as to paving Ely Place, etc.

238. [*Special provision as to the parish of Woolwich.* *Rep.* 62 & 63 *Vict. c.* 14, s. 35.]

239. Where any enclosed garden or ornamental ground is vested in or under the maintenance or management of any commissioners or other body for the use of the inhabitants of any square, crescent, circus, street, or place, surrounding or adjoining such garden or ground, and the powers of such commissioners or other body do not extend beyond such garden or ground, and such square, crescent, circus, street, or place, or any adjoining street, way, or passage, so far as the same may abut upon any part of any house, shop, building, or tenement situate in or fronting any such square, crescent, circus, street, or place, nothing in this Act shall divest such commissioners or body of any property in such garden or ground, or in any railing or footway bounding the same, or of any duties, powers, or authorities now or hereafter vested in any such commissioners or other body for or in relation to the paving, watering, cleansing, improving, or regulating of such enclosed garden or ornamental ground, or in relation to the railing or footway bounding the same, or to levy rates for defraying any expenses incurred in the execution of such duties or powers; and where the maintenance or management of any enclosed garden or ornamental ground is vested in any commissioners or other body, for the use or benefit of the inhabitants of any square, crescent, circus, street, or place surrounding or adjoining the same, who are liable to be assessed for the maintenance thereof, and

Special provisions as to enclosed gardens in squares, etc.

* *I.e.* the district board for the Holborn district.

the powers of such commissioners or other body extend beyond such enclosed garden or ornamental ground, and such square, crescent, circus, street, or place, or such adjoining street, way, or passage as aforesaid, the maintenance and management of such enclosed garden or ornamental ground shall be vested in a committee, consisting of not more than nine nor fewer than three of such inhabitants, and such committee shall be appointed annually in the first week in June by such inhabitants : and the vestry or board shall from time to time cause to be raised the sums required by such committee for defraying the expenses of the maintenance and management of such enclosed garden or ornamental ground, or of such part thereof as is situate within their parish or district, by an addition to the general rate to be assessed on the occupiers of the houses or buildings the occupiers whereof are now liable to be assessed for the same purpose : Provided always, that where any such rate which may now be levied for such purpose is limited in amount the rate to be levied under this provision shall be subject to the like limit.

Saving of powers and property of Commissioners under 14 & 15 Vict. c. 95.

240. This Act shall not divest the commissioners for carrying into execution "The Crown Estate Paving Act, 1851," and the subsisting provisions of the Acts therein recited, or the Commissioners of . . . Works . . . , of any of the powers, duties, authorities, or property vested in them respectively under the said Acts ; and nothing in this Act shall extend to authorize or empower any vestry or district board to exercise any power or control whatsoever in respect of paving, maintaining, lighting, watering, cleansing, and regulating any streets or places in the neighbourhood of the Houses of Parliament, delineated on a plan marked E., referred to by "The Crown Estate Paving Act, 1851," or any portion of the district now under the management of the commissioners for carrying into execution the said Crown Estate Paving Act, and the subsisting provisions aforesaid, or to exercise any power or control whatsoever in or over any of the gardens or pleasure grounds the management whereof is now or may for the time being be vested in such last-mentioned commissioners : nor shall any such street or place, or any portion of such district, as aforesaid, be assessed or rated under this Act for defraying any expenses incurred by any vestry or district board in relation to paving, lighting, watering, or cleansing, but such streets, places, and district shall be subject to all the provisions of this Act relating to sewerage and house drainage, and to be assessed or rated for sewerage expenses incurred by any such vestry or board, and for expenses incurred by the Metropolitan Board of Works, and towards any sums required to be raised by such Board under this Act as by this Act provided. [*Words omitted ("Her Majesty's" and "and Public Buildings") rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

Saving of the rights of the Commissioners of Works.

241. Nothing in this Act shall divest the Commissioners . . . of . . . Works . . . of any power or property now or which for the time being may be vested in them ; and nothing in this Act shall extend to authorize or empower any vestry or district board to exercise any power or control whatsoever in or over any of the royal or public parks, gardens, or pleasure grounds, the management whereof is now or may be for the time being vested in such Commissioners ; and nothing in this Act shall abridge, alter, or affect any right, power, exemption, or remedy of the Queen's most excellent Majesty, . . . or the said Commissioners, in, over, or in relation to the possessions of the Crown or of the public. [*Note to s. 240 applies.*]

242. Nothing in this Act shall divest the Commissioners of Sewers of the City of London of any powers or property vested in them in relation to such parts of any of the parishes mentioned in Schedule (B.) to this Act as are within the City of London, nor shall such parts be subject to be rated or assessed by any district board, but shall be subject to all the powers of the Metropolitan Board of Works as other places in the City of London. [*Note to s. 210 applies.*]

Saving of powers of city Commissioners of Sewers over certain parts of parishes in Schedule (B.)

243. [*Saving rights of Metropolitan Sewage Manure Company. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

244. [*Saving rights of commissioners or trustees of turnpike roads. Spent. No turnpike roads now in London. See note on s. 135.*]

245. Nothing in this Act shall interfere with the powers given by law to the Commissioners of the Police of the metropolis.

Saving for Metropolitan Police Commissioners.

246. [*Act not to prejudice question whether parish of Battersea includes Penge. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

247. All Acts of Parliament in force in any parish or place to which this Act extends, or in any part of such parish or place, shall, so far as the same are inconsistent with the provisions of this Act, be repealed as regards such parish or place, or such part thereof, notwithstanding any provisions of this Act continuing and transferring respectively to vestries or parishes and transferring to district boards any duties, powers, or authorities now vested in vestries, commissioners, or other bodies.

Repeal of Acts inconsistent with this Act.

248. Upon the petition of the Metropolitan Board of Works, or of any district board or vestry, representing to Her Majesty in Council that by reason of the provisions of any local Act of Parliament relating to any district or parish, or any part thereof respectively, difficulties have arisen in the execution of this Act and of such local Act or either of them, and praying for a suspension or alteration of all or any of the provisions of such local Act, or for the establishment of other provisions in lieu thereof under this enactment, it shall be lawful for Her Majesty, by Order in Council, to suspend or alter all or any of the provisions of such local Act, and to make other provisions in relation to the matters thereof as Her Majesty, with the advice of her Privy Council, may think necessary under the circumstances of the case; and every such Order in Council shall be laid before both Houses of Parliament within one month after the making thereof, if Parliament be then sitting, or if Parliament be not sitting, then within one month after the next meeting of Parliament, and shall be published in the *London Gazette*: Provided always, that no such Order in Council shall remain in force beyond the term of one year from the making thereof. [*See 62 & 63 Vict. c. 14, s. 16 (1 (g)).*]

In case of conflict with the provisions of this Act, provisions of local Acts may be varied by Order in Council, on petition of boards or vestries.

249. [*Power to extend Act to adjoining parishes. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

Interpretation and Commencement of Act.

250. In the construction of this Act "the metropolis" * shall be deemed to include the city of London, and the parishes and places mentioned in the Schedules (A.), (B.), and (C.) to this Act; "the city of London" shall be deemed to include all parts now within

Interpretation of terms: "the metropolis;" "the city of London;"

* See 51 & 52 Vict. c. 41, ss. 40 and 100; 62 & 63 Vict. c. 14, s. 18 (2) and (3) and 20, and the Clerkenwell, Mitcham, Penge, Putney, and South Hornsey Orders in Council 1900 made under 62 & 63 Vict. c. 14; see also 3 Edw. 7, c. lxxxii.

the jurisdiction of the Commissioners of Sewers for the City of London;* and the word "parish" shall include any place mentioned in Schedule (A.) to this Act, and any place or combination of places mentioned in Schedule (B.) to this Act, for which one or more member or members is or are to be elected to any district board; the expression "the overseers of the poor" shall include any persons authorized to make and collect or cause to be collected the rate for the relief of the poor in any parish; any expression referring to any rate or rates raised under this Act by the Metropolitan Board of Works or any vestry or district board shall mean the sums and rates authorized to be raised by the said Metropolitan Board and the sums authorized to be raised by any vestry and district board respectively; the word "owner" shall, except for the purpose of the provision of this Act requiring notice to be served on owners or reputed owners of land, before application to one of Her Majesty's principal Secretaries of State for his consent to exercise powers of taking land, or any right or easement in or over land, compulsorily, mean the person for the time being receiving the rackrent of the lands or premises in connexion with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent; the word "street" shall apply to and include any highway . . . , and any road, bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and a part of any such highway, road, bridge, lane, footway, square, court, alley, or passage; the word "drain" shall mean and include any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed, and shall also include any drain for draining any group or block of houses by a combined operation under the order of any vestry or district board; and the word "sewer" shall mean and include sewers and drains of every description, except drains to which the word "drain," interpreted as aforesaid, applies. . . . [*Amended 25 & 26 Vict. c. 102, s. 112. Parts omitted (as to turnpike roads) rep. 56 & 57 Vict. c. 54 (S.L.R.), and (as to ashpits and dustbins) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

251. [*Commencement of Act, 1st January 1856.*]

SCHEDULE (A.).†

PART I.

Parishes each electing Two Members of the Metropolitan Board of Works.

Saint Marylebone.
 Saint Pancras.
 Lambeth.
 Saint George Hanover Square.
 Islington, Saint Mary.
 Shoreditch, Saint Leonard.

* See the City of London Sewers Act 1897.

† Rep. (so far as relates to election of members of the Metropolitan Board of Works) 55 & 56 Vict. c. 19 (S.L.R.). These parishes and their boundaries are considerably affected by 62 & 63 Vict. c. 14, and various schemes and orders thereunder.

PART II.

Parishes each electing One Member of the Metropolitan Board of Works.

Paddington.

Saint Matthew Bethnal Green.

Saint Mary Newington, Surrey.*

Camberwell.

Saint James Westminster.

Saint James and Saint John Clerkenwell † to be considered as one parish.

Chelsea.

Kensington, Saint Mary Abbot.

Saint Luke Middlesex.*

Saint George the Martyr Southwark.

Bermondsey.

Saint George in the East.

Saint Martin in the Fields.

Hamlet of Mile End Old Town.

Woolwich.

Rotherhithe.

Saint John Hampstead.

SCHEDULE (B). ‡

PARISHES UNITED INTO DISTRICTS FOR THE PURPOSES OF THE ACT.

PART I.

Districts each electing One Member of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Whitechapel District .	Saint Mary Whitechapel	27
	Christchurch Spitalfields	12
	Saint Botolph without Aldgate, in the County of Middlesex	6
	Holy Trinity, Minories.	1
	Saint Katherine, Precinct of	1
	Mile End New Town, Hamlet of.	6
	Liberty of Norton Folgate	3
	Old Artillery Ground	1
	Tower, District of	1
	Total	58
Westminster District §.	Saint Margaret	30
	Saint John the Evangelist	27
	Total	57
Greenwich District .	Saint Paul Deptford, including Hatcham	21
	Saint Nicholas Deptford	6
	Greenwich	30
	Total	57

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40.

† See the London (Clerkenwell detached) Order in Council 1900 made under 62 & 63 Vict. c. 14.

‡ Note to Schedule (A.) applies.

§ See 50 & 51 Vict. c. 17.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Wandsworth District*	Clapham	18
	Tooting Graveney	3
	Streatham	9
	Saint Mary Battersea, excluding Penge	12
	Wandsworth	9
	Putney, including Roehampton	6
	Total	57
Hackney District †	Hackney	51
	Saint Mary Stoke Newington	6
	Total	57
Saint Giles District	Saint Giles in the Fields	27
	Saint George Bloomsbury	21
	Total	48
Holborn District .	Saint Andrew Holborn above Bars	24
	Saint George the Martyr	9
	Saint Sepulchre, in the County of Middlesex	6
	Saffron Hill, Hatton Garden, Ely Rents, and Ely Place	9
	The Liberty of Glasshouse Yard	1
	Total	49
Strand District .	Saint Anne Soho	18
	Saint Paul Covent Garden	9
	Saint John the Baptist Savoy, or Precinct of the Savoy	1
	Saint Mary-le-Strand	3
	Saint Clement Danes	15
	Liberty of the Rolls	3
	Total	49
Fulham District ‡.	Saint Peter and Saint Paul Hammersmith	24
	Fulham.	15
	Total	39
Limehouse District	Saint Anne Limehouse.	15
	Saint John Wapping	3
	Saint Paul Shadwell	6
	Ratcliffe, Hamlet of	12
	Total	36
Poplar District .	All Saints Poplar	24
	St. Mary Stratford-le-Bow	9
	Saint Leonard Bromley	15
	Total	48
Saint Saviour's District.	Christchurch.	15
	Saint Saviour (including the Liberty of the Clink)	24
	Total	39

* See 3 Edw. 7. c. lxxxii.

† See 56 & 57 Vict. c. 55, and the London (South Hornsey) Order in Council 1900 made under 62 & 63 Vict. c. 14.

‡ See 48 & 49 Vict. c. 33.

PART II.

Districts united for electing One Member of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Plumstead District * . united with	Charlton next Woolwich	9
	Plumstead	12
	Eltham,	6
	Lee	9
	Kidbrooke	1
	Total	37
Lewisham District † .	Lewisham, including Sydenham Chapelry .	24
	Hamlet of Penge	3
	Total	27

PART III.

Parish and District united for electing One Member of the Metropolitan Board of Works.

The Parish of Rotherhithe, united with Saint Olave District {	Saint Olave	12
	Saint Thomas Southwark	1
	Saint John Horsleydown	15
	Total	28

SCHEDULE (C).

The Close of the Collegiate Church of Saint Peter.†	Lincoln's Inn.¶
The Charter House.§	Gray's Inn.**
Inner Temple.	Staple Inn.††
Middle Temple.	Furnival's Inn.††

* See 56 & 57 Vict. c. 55.

† See the London (Penge) Order in Council 1900 made under 62 & 63 Vict. c. 14.

‡ See 62 & 63 Vict. c. 14, s. 16 (3) and the City of Westminster (Close of the Collegiate Church of St. Peter) Scheme 1901 made under that Act.

§ See 62 & 63 Vict. c. 14, s. 1 and 1st Schedule, and the Borough of Finsbury Order in Council 1900 made under that Act.

|| See 62 & 63 Vict. c. 14, s. 22.

¶ See the Borough of Holborn (Lincoln's Inn) Scheme 1901 made under 62 & 63 Vict. c. 14.

** See the Borough of Holborn (Gray's Inn) Scheme 1901 made under 62 & 63 Vict. c. 14.

†† See 62 & 63 Vict. c. 14, s. 1 and 1st Schedule, and the Borough of Holborn Order in Council 1900 made under that Act.

SCHEDULE (D.)

MAIN SEWERS OF THE METROPOLIS.

NORTH SIDE OF THE THAMES.

Stamford Brook (West Branch).

Commences at an angle in the boundary between the parishes of Hammersmith and Acton, on the south of the Uxbridge and London Road, and tangent to a footpath running south from East Acton Lane, extending thence in a south-easterly direction to Paddenswick Green, when it joins the east arm of the said brook.

Stamford Brook (East Branch).

Commences at a point on the boundary between the parishes of Hammersmith, Willesden, and Acton, about 100 feet north-east of the Old Oak Bridge over the North-western Railway, extending thence in a southerly direction to Paddenswick Green.

The united streams of the above two branches discharge into Hammersmith Creek.

Brook Green Sewer.

Commences in Wood Lane, at the Keeper's Lodge, on the south side of Wormwood Scrubs, and discharges into the River Thames by two outlets, viz., Bridge Road and Queen Street, on the east side of Hammersmith Suspension Bridge.

A branch from the above commences in New Road, at the north end of the Grove, and joins the main sewer at Broadway Hammersmith.

Fulham Sewer.

Commences at a sluice in the moat surrounding the Bishop of London's Palace, on the west side of the junction of High Street, Fulham, with the Fulham Road, and discharges into the Thames under the Toll House of Fulham Bridge.

Eel Brook Sewer.

Commences at a point in North End Road, about 80 feet north-west of Wallham Green Church, and discharges into Kensington Canal on the south-east side of the Imperial Gasworks.

Counters Creek Sewer (Main Line).

Commences at a point in the Harrow Road, about 200 feet west of Kensal Green Cemetery Gate, and discharges into the Thames at the outlet now forming on the south-west side of Cremorne Gardens.

Counters Creek Sewer (West Branch).

Commences at a culvert under the Grand Junction Canal, on the boundary between the parishes of Kensington and Hammersmith, at the south-west corner of Kensal Green Cemetery, and joins the above main line in Latimer Road at its junction with Bromley Road.

Counters Creek Sewer (East Branch).

Drains the whole of Kensal New Town, situate in a detached portion of the parish of St. Luke Chelsea, and part of the parish of St. Mary Paddington, and passes under the Great Western Railway at a bridge leading to Portobello Lane, on the south-east side of the Western Gasworks, and joins the main sewer at a point about a quarter of a mile north-west of Notting Barn Farm.

Counters Creek Sewer (Kensington Branch).

Commences in Victoria Grove at about 50 feet to the north of Uxbridge Road, and joins the main line at the junction of Pembroke and Warwick Roads.

Sewer to the Metropolitan Sewage Manure Works.

Commences at Knightsbridge at its junction with the Ranelagh Sewer, and extends thence in a south-westerly direction to the works at Stanley Bridge.

Millman's Row Sewer.

Commences in Fulham Road, at about 780 feet west, and at about 230 feet east of the junction of Park Walk with Fulham Road, and discharges into the River Thames opposite to Millman's Row.

Church Street Sewer.

Commences in Gloucester Road at its junction with Canning Place, at about 750 feet south of Hogmore Lane Gate, and discharges into the Thames on the south side of Chelsea Old Church.

Queen Street Sewer.

Commences between Gloucester Road and Hyde Park Gate South, on the south of Kensington Road, and about 300 feet south of Kensington Gate runs through Old Brompton, and discharges into the River Thames on the east side of Chelsea Free Dock.

Smith Street Sewer.

Commences in the Kensington Road at a point about 750 feet west of Prince of Wales Gate, and extends thence by Rutland Gate, Rutland Street, and Fulham Road on the west of Brompton Crescent, and along College and Markham Streets, and discharges into the Thames on the west side of Chelsea Royal Hospital.

Ranelagh Sewer.

The branch sewers from Edgware Road, Finchley Road, and Kilburn Vale unite at Kilburn Bridge, and for the main line, which, running in a southerly direction, discharges into the River Thames on the south-east side of Chelsea Royal Hospital.

This sewer has several branches, the chief of which commences in Grove End Road, at about 900 feet west of St. John's Wood Road, extending thence by Lisson Grove, New Road, Grand Junction Road, and Albion Street, to a tumbling bay, where it joins the main sewer in Uxbridge Road.

King's Scholars Pond Sewer.

Commences in the Finchley Road, at about 1500 feet above Junction Road Toll Gate, and discharges into the River Thames at the Equitable Gasworks, about 700 feet above Vauxhall Bridge.

King's Scholars Pond Sewer (Pall Mall Branch).

Commences at Waterloo Place, and joins the main line opposite the entrance of Buckingham Palace.

Grosvenor Ditch.

Commences in Page Street, at about 150 feet east of the junction with Regent Street, Vauxhall Bridge Road, and discharges into the River Thames at the northern extremity of Millbank Road.

Horseferry Road Sewer.

Commences in Grey Coat Place, and discharges into the River Thames at the Horseferry Stairs.

Wood Street Sewer.

Commences in Grey Coat Place, and discharges into the River Thames in the prolongation of Wood Street.

Victoria Street Sewer.

Commences at Shaftesbury Terrace, Piccadilly, and discharges into the Thames at Percy Wharf.

Regent Street Sewer (Western Branch).

Commences in the outer circle of the Regent's Park, at about 200 feet north-west of Hanover Gate entrance, and joins the eastern branch in the New Road, opposite to the prolongation of Portland Place.

Regent Street Sewer (Eastern Branch).

Commences in Upper Albany Street, at about 200 feet south of Collateral Cut Bridge over the Regent's Canal, and joins the western branch at the aforesaid point in the New Road.

The main sewer proceeds thence along Regent Street, and discharges into the River Thames at Percy Wharf.

Northumberland Street Sewer (Western Branch).

Commences in Warren Street, on the north of Fitzroy Square, and proceeds in a southerly direction along Cleveland, Newman, Wardour, Princes, and Panton Streets, Haymarket, to Charing Cross, opposite the District Post Office.

Northumberland Street Sewer (Eastern Branch).

Commences in New Road, at about 170 feet west of the junction with Hampstead Road, and proceeds along Tottenham Court Road, High Street, Seven Dials, and St. Martin's Lane, to Charing Cross, when it joins the western branch.

The main line proceeds along Northumberland Street, and discharges into the Thames at Northumberland Wharf.

Savoy Street Sewer.

Commences in Stanhope Street, Regent's Park Basin, at a point at about 160 feet north of the junction with Edward Street, and proceeds along Robert, George, Gower, Charlotte, Bloomsbury, Endell, Bow, Wellington, and Savoy Streets, and discharges into the Thames at a point about 100 feet above Waterloo Bridge.

Norfolk Street Sewer.

Commences at the junction of Drury Lane and Long Acre, and passes by the Olympic Theatre, and along Newcastle Street and Strand, and discharges into the River Thames opposite Norfolk Street.

Essex Street Sewer (Western Branch).

Commences in Russell Square, opposite Montagne Place, and proceeds along Montague, Russell, and Museum Streets, Drury Lane, Great Wild Street, and Vere Street, to the junction of the eastern branch at the intersection of Sheffield and Gilbert Streets, Clare Market.

Essex Street Sewer (Eastern Branch).

Commences at the corner of Tottenham Court Road, and proceeds along New Oxford Street, Newton Street, and Cross Lane, Parker and Great Queen Streets, west side of Lincoln's Inn Fields, to the junction with the western arm above described.

The main sewer proceeds thence along Gilbert Street, Clement's Lane, Pickett Street, and Essex Street, and discharges into the River Thames at Temple Pier.

Fleet Sewer.

Commences in High Street, Hampstead, at the junction of High Street with Flask Walk, extending thence through South End Green, Gordon House Lane, Victoria Road, Great College Street, Old St. Pancras Road, Bagnigge Wells Road, west of Middlesex House of Correction, and by Farringdon Street to Blackfriars Bridge, where it discharges into the River Thames.

This sewer has numerous tributaries running into other districts, the chief of which are Camden Road, Caledonian Road, Pentonville Hill, River Street, St. John's Road, Holborn Hill, and Guildford Street.

Goswell Street Sewer.

Commences in Sydney Street, at the junction of Sydney Grove, and discharges into the Thames at Walbrook.

London Bridge Sewer (City Road Branch).

Commences at Duncan Terrace, on the west side of the New River, and joins the main line at the north end of Finsbury Pavement.

Another branch commences in Lonsdale Square, Islington, and, extending thence through Barnsbury Street, Richmond Grove, passes under the New River at New North Road Bridge, thence along Portland Place, King Street, under the Regent's Canal, by Sturt's Lock, Walbrook Street, and Crichtill Place, where it joins another branch at St. John's Church, Hoxton.

London Bridge Sewer (Balls Pond Branch).

Commences on the boundary between St. Mary Islington and St. John Hackney, at Cock and Castle Lane, Dalston, and passes by Balls Pond and Rosemary Branch Bridge to the junction at St. John's Church, above described. The united sewers then discharge into the River Thames at London Bridge.

London Bridge Sewer (Shoreditch Branch).

Commences in Queen's Road, at the junction with Laurel Street, Dalston, and extending thence along Queen's Road, Great Cambridge Street, Hackney Road, Shoreditch, and Bishopsgate, joins the main line at King William's Statue.

Irongate Sewer.

Commences in the City, and proceeds along the south-west side of Houndsditch, west side of Minories, and by the precincts of Old Tower Without, and discharges into the River Thames at Irongate Stairs, on the east of the Tower.

Nightingale Lane Sewer.

Commences in Union Street, Old Artillery Ground, and Booth Street, Spitalfields, and extends thence along Commercial, Leonard, Wells, and Parsons Streets, and Nightingale Lane, and discharges into the Thames on the western side of the entrance into Hermitage Basin.

Hermitage Street Sewer.

Commences in Redmead Lane, on the boundary between the parishes of St. John Wapping and St. George in the East, and extends thence along Great Hermitage Street, and discharges into the River Thames at about 50 feet east of Union Stairs.

Old Gravel Lane Sewer.

Commences at the boundary between the parishes of St. George in the East and St. John Wapping, in Old Gravel Lane, and discharges into the River Thames at a point about 110 feet west of the Thames Tunnel.

Wapping Wall Sewer.

Commences in Green Bank, at the junction of Upper Well Alley, and passes through King Street, and discharges into the River Thames at about 120 feet on the north-east side of New Crane Dock.

Shadwell Basin Sewer.

Commences on the north side of the Eastern Dock, at the termination of West Gardens, and extends thence between the warehouses and New Gravel Lane, on the north side of Shadwell Basin, and along Shadwell Dock Street, and discharges into the River Thames at the eastern pier of the Shadwell entrance to the London Docks.

Pennington Street Sewer.

Commences at the boundary between the parishes of St. George in the East and St. John Wapping, in St. George Street, and extends thence along Pennington Street, Old Gravel Lane, West Gardens, Cow Lane, Little Spring Street, Labour-in-Vain Street, and Lower Shadwell, and discharges into the River Thames at Shadwell Dock Stairs.

Ratcliffe Highway Sewer (Western Branch).

Commences at the junction of Sherwood Place with Meed Street, at about 900 feet south-east of Shoreditch Church, and extends along Turville, Thomas, and High Streets, and Whitechapel Road, to the junction of New Road with Whitechapel Road.

Ratcliffe Highway Sewer (Eastern Branch).

Commences at the junction of Hague Street with Bethnal Green Road, and extends along Hague Street, Wellington and Charles Streets, to the junction of New Road with Whitechapel Road, above described.

Ratcliffe Highway Sewer (North-eastern Branch).

Commences from the rear of Shoreditch Church, and proceeds along Old Castle Street, Virginia Row, Wellington Row, Old Bethnal Green Road, Cambridge Road, Cleveland Street, King Street, Jamaica Street, Havering Street, and Love Lane, to Ratcliffe Highway.

The main sewer proceeds along New Road, Cannon Street Road, St. George's Street, High Street, Shadwell, and Broad Street, and discharges into the River Thames at Ratcliffe Cross Stairs.

Limekiln Dock Sewer.

Commences at the junction of Victoria Road with Bishop's Road, on the south-western side of Bonner's Hall Bridge, leading into Victoria Park, and extends along Victoria Road, east side of Bethnal Green, Globe Road, White Horse Lane, and Rhodeswell Road, and passes under the Regent's Canal at Rhodeswell Wharf, thence along the Black Ditch, Upper North Street, and North Street, and discharges into the River Thames at Limekiln Dock.

Great Sluice and Drunken Dock Sluice.

These sluices are situated on the eastern side of the Isle of Dogs, and drain the whole of that part of the isle south of the West India Dock Basin. They have four inlet sluices for purposes of flushing.

Blackwall Sluice.

Commences at Batson's Inlet, near Limehouse entrance to the West India Dock, and discharges into the Thames on the north side of the Blackwall entrance to the West India Dock.

Eastern Counties Railway Sewer.

Commences at Mile End Bridge, over the Regent's Canal in Bow Road, proceeds along Bow Road, Tredegar Square, and by the railway, and discharges into the River Lea, where the viaduct of the said railway crosses that river.

Hackney Brook Sewer (Main Line).

Commences in the high road opposite to St. John's Church Upper Holloway, and extends thence in a south-east direction along Holloway Road to a point about 450 feet south of Tollington Road, thence in an easterly direction by the north of Abney Park Cemetery, Hackney Downs, and Hackney Wick, and discharges into the River Lea, immediately to the north of Old Ford Wharf.

Hackney Brook Sewer (Wick Lane Branch).

Commences in Old Ford Road, on the east side of Old Ford Bridge, crossing the Regent's Canal, and extends along Grove Road, Wick Lane, and joins the main sewer at Hackney Wick.

SOUTH SIDE OF THE THAMES.

Beverley Brook.

Commences on the boundary between the parishes of Putney and Wimbledon, at a point about 1,800 feet south of Beverley Bridge, on the Kingston Road, and discharges into the River Thames about half a mile above Putney town.

Sewer between Parishes of Putney and Wandsworth.

Commences on the road from Kingston to Wandsworth, and discharges into the River Thames at a point about 1,500 feet below Fulham Bridge.

Wandle River.

Commences at a point where the parishes of Streatham and Tooting intersect the river, and discharges into the River Thames at the town of Wandsworth.

Falcon Brook.

Commences at Tooting Common, and discharges into the River Thames at Battersea Creek.

Lord Spencer's Sewer.

Commences in the town of Battersea, and extends in an easterly direction through Battersea Park, and discharges into the River Thames at about 400 feet below Battersea New Bridge.

Heath Wall Sewer (Main Line).

Commences at the Falcon Brook at a sluice about 300 feet north of the South-western Railway, and extending along the south margin of Battersea Fields, discharges into the Thames at Heath Wall Mill.

Heath Wall Sewer (Clapham Rise Branch).

Commences on the boundary between the parishes of Clapham and Lambeth at the intersection of New Road with Clapham Rise, and extends along the east side of Clifton Street, and joins the main sewer at a point about 100 feet north-east of New Road, Battersea Fields.

Effra Sewer.

Commences at the boundary between the parishes of St. Mary Lambeth and Croydon, in Westow Hill Road, immediately opposite to the Convent of "Our Lady," and discharges into the River Thames at Vauxhall Creek, on the south side of the Phoenix Gasworks, and near to Vauxhall Bridge.

Effra Sewer (Upper Norwood Branch).

Commences in Westow Hill Road on the boundary between the parishes of Lambeth and Croydon, at about 200 feet west of the Crystal Palace Hotel, and proceeds northward along the boundary between the parishes of St. Mary Lambeth and St. Giles Camberwell, and joins the main sewer at a point about 230 feet west of Croxted Lane.

Duffield and Battle Bridge Sewers.

These sewers drain the most densely inhabited portions of the south side. The inlets for flushing purposes are at Kennington, Vauxhall, Lambeth Church, and Stangate. The outlets are by the following sluices, viz., the Arnold and Dover sluices, near Waterloo Bridge; Pudding Mill, near Blackfriars Bridge; the Boar's Head,

Welsh Troopers, Black Lion, and Bear sluices, near Southwark Bridge; the Bridge Yard, Battle Bridge; and Green Bank, in St. Olave Southwark; Freeman's Lane, St. John Jerusalem; and Great St. John, in Horsleydown; and the Salisbury and Duffield sluices, in Bermondsey.

Limekiln Sluice.

Drains the open fields of part of the parish of Rotherhithe, and proceeds along Swan Lane, and discharges into the River Thames at about 300 feet east of the Thames Tunnel.

Globe Stairs Sewer.

Drains the northern basin of the Commercial Dock Company, and extends along the eastern side of St. Paul's Church, Rotherhithe, and part of Rotherhithe Street, and discharges into the River Thames at Globe Stairs.

Sewer at Daraul's Wharf (Rotherhithe).

Commences to the south-east of Bull-Head Dock, Rotherhithe, and pursues an easterly course by Rotherhithe and Lower Queen Street, and discharges into the River Thames at a "10 footway" opposite Cow Lane.

Rotherhithe Pier Sewer.

Commences in Trinity Street, at a point about 400 feet south of Cow Lane, and proceeds along Trinity Street, and discharges into the River Thames at Rotherhithe Boat Pier.

Earl Sewer (Main Line).

Commences in Cold Harbour Lane, at a point about 1,100 feet north-east of its junction with Loughborough Road, and proceeds along High Street, Camberwell, Camberwell Road, Boundary Lane, and eastward along the boundaries of several parishes, and discharges into the River Thames on the boundary between the counties of Surrey and Kent, near to the Royal Dock Yard, Deptford.

Earl Sewer (Wyndham Road Branch).

Commences on the east side of Kennington Park, and proceeds along New Row, and southward on the east of Thomas Street, eastward along Wyndham Road, and joins the main sewer at a point about 100 feet south of Southampton Street, Camberwell.

Earl Sewer (White Post Lane Branch).

Commences in Victoria Road, at the junction with Choumert Place and Cutthroat Lane, near Peckham Rye, and proceeds along Victoria Road, Hanover Street, Rye Lane, High Street, Meeting-house Lane, Halfway House Lane, and White Post Lane, and joins the main sewer at the junction of the parishes of Rotherhithe, St. Paul's Deptford, and St. Giles Camberwell.

Royal Dock Yard Sewer.

Commences on the east of Black Horse Bridge, and extends eastward on the south side of the Mast Pond, and discharges into the River Thames opposite to the Royal Victualling Yard.

Ravensbourne and Sydenham Sewer.

Commences at Bell Green, and extends along and by Catsford Hill Road, Lewisham, and Bromley Road, Silver Street, Loam Pit Vale, and Mill Lane, and discharges into Deptford Creek at Parish Wharf, near Kingsford Mill.

Ravensbourne and Lee Green Sewer.

Commences in the Eltham Road, about 300 feet east of Lee Green, and proceeds along Lee Road, Lewisham Road, Bath Place, Egerton Road, and North Pole Lane, to a pumping station, where it discharges into Deptford Creek, at a point about 400 feet north of the London and Greenwich Railway.

Horseferry Road (Greenwich).

Commences in Caroline Street and Roan Street, and proceeds along Union and Bridge Streets, and discharges into the River Thames at Horseferry.

SCHEDULE (E).*

Form of Mortgage of Rates.

Mortgage, Number ()

By virtue of an Act passed in the _____ year of the reign of Queen Victoria, intituled [*here insert the title of this Act*], the Metropolitan Board of Works, *or* the Board of Works for the district of _____ *or* the Vestry of the parish of _____ (*as the case may be*), in consideration of the sum of _____ paid to _____ by A.B., of _____

for the purposes of the said Act, do grant and assign unto the said A.B., his executors, administrators, and assigns, all [*here describe the monies or rates to be mortgaged*], to hold to the said A.B., his executors, administrators, and assigns, from the day of the date hereof until the said sum of _____ with interest at the rate of _____ per centum per annum for the same, shall be fully paid and satisfied; and it is hereby declared that the said principal sum shall be repaid on the _____ day of _____ and that in the mean-time the interest thereof shall be paid on the _____ day of _____ and the _____ day of _____ in every year.

In witness whereof the Metropolitan Board of Works, *or* the said District Board, *or* the said Vestry, (*as the case may be*), have hereunto set their seal, this _____ day of _____ one thousand eight hundred and _____

SCHEDULE (F).*

Form of Transfer of Mortgage.

I A.B. of _____ in consideration of the sum of _____ pounds paid to me by C.D. of _____ do hereby transfer to the said C.D., his executors, administrators, and assigns, a certain mortgage, number _____, bearing date the _____ day of _____ and made by the Metropolitan Board of Works, *or* the Board of Works for the district of _____ *or* the Vestry of the parish of _____ for securing the sum of _____ and interest [*or, if such transfer be by indorsement on the mortgage, insert, instead of the words after "assigns" the within security*], and all my property, right, and interest in and to the money thereby secured, and in and to the monies thereby assigned. In witness whereof I have hereunto set my hand and seal, this _____ day of _____ one thousand eight hundred and _____

A.B. (L.S.)

* These forms are obsolete as regards the Metropolitan Board of Works. See s. 185 and note thereon.

19 & 20 VICTORIA. A.D. 1856.

CHAPTER 2.

AN ACT TO AMEND THE ACTS RELATING TO THE METROPOLITAN POLICE. [28th February 1856.]

[*Preamble (reciting 10 Geo. 4, c. 44, and 2 & 3 Vict. c. 47) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

1. There shall be appointed from time to time under the said Acts and be but one Commissioner of Police, who shall be styled "The Commissioner of Police of the Metropolis;" . . . and all the provisions of the said Acts concerning the removal and appointment from time to time of the said Justices or Commissioners, or either of them, shall be applicable to the removal and appointment from time to time of "The Commissioner of Police of the Metropolis." [*Part omitted (as to suriving Commissioner under recited Acts) rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

One Commissioner of Police only to be appointed after passing of this Act.

2. It shall be lawful for Her Majesty, by warrant under her sign manual, to appoint two fit persons to be during Her Majesty's pleasure Assistant Commissioners of Police of the Metropolis, and upon every vacancy in the office of any such Assistant Commissioner in like manner to appoint some other person to such office; and every such Assistant Commissioner shall by virtue of and during the continuance of such appointment be a Justice of the Peace of the counties of Middlesex, Surrey, Hertford, Essex, Kent, Berkshire, and Buckinghamshire, and of all liberties therein, and execute the duties of a Justice of the Peace for the said several counties and for all liberties therein, although he may not have the qualification by estate required by law in the case of other persons being Justices of the Peace for counties: Provided always, that no such Assistant Commissioner shall act as a Justice of the Peace at any Court of General or Quarter Sessions, or in any matter out of Sessions, except for the preservation of the peace, the prevention of crimes, the detention and committal of offenders, and in carrying into execution the purposes of this Act and the said recited Acts. [*Amended 47 & 48 Vict. c. 17, s. 2.*]

Power to appoint two Assistant Commissioners of Police, who, by virtue of such office, shall be Justices of certain counties herein named.

3. [*As to salaries of Commissioner and Assistant Commissioners. Rep. (with saving for existing officers) 62 & 63 Vict. c. 26, s. 1.*]

4. [*Assistant Commissioners to be within 4 & 5 Wm. 4, c. 24. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

5. All the jurisdictions, duties, powers, and authorities which, under the said Acts of the tenth year of King George the Fourth and the second and third years of Her Majesty, or either of them, or under any other Act of Parliament, are vested in or imposed on, or should or might, if this Act had not been passed, have been performed or exercised by, the Commissioners of Police of the Metropolis, shall be vested in and imposed on and shall and may be performed and exercised by the Commissioner of Police of the Metropolis; and all enactments contained in the said Acts or any Act of Parliament having reference to the Commissioners of Police of the Metropolis shall be applicable to the said Commissioner, save where otherwise provided by this Act.

Powers vested in the Commissioners of Police under recited Acts to be exercised by the sole Commissioner.

Duties of
Assistant
Commis-
sioners.

6. The Assistant Commissioners, and each or either of them, shall respectively, under the superintendence and control of the Commissioner of Police of the Metropolis, do and perform such acts and duties in execution of the Acts relating to the said police as may be from time to time directed by any orders and regulations made by the Commissioner of Police of the Metropolis, with the approbation of one of Her Majesty's principal Secretaries of State. [*Note to s. 2 applies.*]

Matters now
required to be
done by one
Commissioner
may be done
either by the
Commissioner
or an assist-
ant, as Secre-
tary of State
may direct.

7. Where by any Act of Parliament the provisions of such Act are required or authorized to be executed or any things are required or authorized to be done by one of the Commissioners of Police of the Metropolis appointed in that behalf by one of Her Majesty's principal Secretaries of State, such provisions and things shall be executed and done respectively by the Commissioner of Police of the Metropolis, or by one of the Assistant Commissioners nominated by the Secretary of State in this behalf, as the Secretary of State shall direct. [*Note to s. 2 applies.*]

In case of
vacancy in
office of Com-
missioner of
Police, or of
his illness or
absence, an
Assistant
Commis-
sioner may
act for him.

8. In case of any vacancy in the office of Commissioner of Police of the Metropolis, or in case of the illness or absence of any such Commissioner, it shall be lawful for such one of the said Assistant Commissioners as may be authorized by writing under the hand and seal of one of her Majesty's principal Secretaries of State for this purpose to do all such acts as it would be competent for the Commissioner of Police of the Metropolis to do, and all acts done by any Assistant Commissioner so authorized shall be as valid and effectual as if done by the Commissioner of Police of the Metropolis if the office had not been vacant, or (as the case may be) if the Commissioner had been present and acting. [*Note to s. 2 applies.*]

Provisions as
to Commis-
sioners of
Police sitting
in Parlia-
ment, etc. to
apply to
Assistant
Commis-
sioners.

9. The provision of the firstly-recited Act for preventing any Justice of the Peace appointed by virtue of that Act from being elected or sitting as a member of the House of Commons, . . . or indirectly interfering therein, shall apply to and include the said Assistant Commissioners to be appointed under this Act. [*Part omitted (as to voting in elections) rep. by the Police Disabilities Removal Act 1887, s. 1.*]

10. [*Acts done by one Commissioner during the vacancy in the office of the other confirmed. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

CHAPTER 112.

AN ACT TO AMEND THE ACT OF THE LAST SESSION OF PARLIAMENT, CHAPTER ONE HUNDRED AND TWENTY, FOR THE BETTER LOCAL MANAGEMENT OF THE METROPOLIS. [*29th July 1856.*]

[*Preamble (reciting 18 & 19 Vict. c. 120) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

Church rates
where made
in open vestry
before pas-
sing of the
Act 18 & 19
Vict. c. 120.
to continue
to be so
made.

1. Where at the time of the passing of the said Act the power of making church rates or rates of the nature of church rates in any parish was vested in any open vestry, or in any meeting in the nature of an open vestry meeting, or in any meeting of the parishioners, inhabitants, or ratepayers generally, or of such of the parishioners, inhabitants, or ratepayers as were rated at or above any specified amount or value (whether such vestry or meeting were holden for the parish at large or for any liberty or other district therein), such

power shall not be deemed to have become vested in the vestry constituted in such parish under the said Act, but shall be exercised as if the said Act had not been passed. . . . [*Part omitted (as to rates already made) rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

2. Nothing in the said Act or this Act shall affect or be deemed to have affected any power of electing or appointing churchwardens or making church rates, or other power which, at the time of the passing of the said Act, was vested in any such open vestry or meeting as aforesaid, or any elected or other vestry, where such vestry or meeting acts exclusively for any district (by whatever denomination distinguished) created for ecclesiastical purposes only. [*See the Church Rate Abolition Act 1868, s. 10.*]

Nothing in this Act or in 18 & 19 Vict. c. 120, to affect ecclesiastical districts.

3. Save as herein-before otherwise provided, all the duties, powers, and privileges (including such as relate to the affairs of the church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor,) which might have been performed or exercised by any open or elected or other vestry or any such meeting as aforesaid in any parish, under any local Act or otherwise, at the time of the passing of the said Act of the last session, shall be deemed to have become transferred to and vested in the vestry constituted by such last-mentioned Act; except so far as any such duties, powers, or privileges may in the case of a parish included in any district mentioned in Schedule (B.) to the said Act be vested by section ninety thereof in the board of works of such district: Provided that all duties and powers relating to the affairs of the church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor, which at the time of the passing of the said Act were vested in or might be exercised by any guardians, governors, trustees, or commissioners, or any body other than any open or elected or other vestry, or any such meeting as herein-before mentioned, shall continue vested in and be exercised by such guardians, governors, trustees, or commissioners or other body as aforesaid. [*See also 62 & 63 Vict. c. 14, s. 23.*]

Other powers of vestries and like meetings declared to have been transferred to vestries under Act 18 & 19 Vict. c. 120, except powers transferred to district boards.

4—5. [*Occupiers may claim to be rated—Compositions not to be disturbed, and landlord's liability not to be affected. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

6—8. [*Right of occupier so claiming to vote—As to qualifications of vestrymen or auditors. Rep. 56 & 57 Vict. c. 73, s. 89. (See Appendix.)*]

9. [*Regulation of meetings of vestries constituted by 18 & 19 Vict. c. 120. Spent. See 62 & 63 Vict. c. 14, s. 4; and see 18 & 19 Vict. c. 120, ss. 8—10, and note thereon.*]

10. And whereas doubts are entertained whether the provision in section one hundred and forty-four of the said Act of the last session, authorizing the Metropolitan Board of Works,* where it appears to them that further powers are required for the purpose of any work for the improvement of the metropolis or public benefit of the inhabitants thereof, to make applications to Parliament for that purpose, and providing that the expenses of such application may be defrayed as other expenses of the said Board, extends to authorize applications to Parliament by such Board for powers for providing parks, pleasure grounds, places of recreation, and open spaces, and

Section 144. of 18 & 19 Vict. c. 120. declared to extend to authorize applications to Parliament for providing parks, etc.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

it is expedient to remove such doubts: The powers given to the said Board to make applications to Parliament, and the provision for the expenses of such application, extend respectively to applications to Parliament for the purpose of providing parks, pleasure grounds, places of recreation, and open spaces for the improvement of the metropolis or the public benefit of the inhabitants thereof, and to the expenses of all such applications.

District boards and vestries empowered to take ground to be maintained as an open space or pleasure ground.

11. Any district board * or vestry * may take, by agreement or gift, any land or any right or easement in or over land, for any estate or interest therein, and on such terms and conditions as they may think fit, for the purpose of such land being either kept as an open space or being kept and maintained as a pleasure ground for the public benefit of the inhabitants of the district or parish; but this enactment shall not authorize any expenditure to be defrayed by rates, except for the purpose of enclosing, maintaining, planting, and otherwise improving the same. [*See 44 & 45 Vict. c. 34, s. 5.*]

Recited Act and this Act to be as one.

12. The said Act of the last session and this Act shall be construed together as one Act.

CHAPTER 114.

AN ACT TO PREVENT FALSE PACKING AND OTHER FRAUDS IN THE HAY AND STRAW TRADE. [*29th July 1856.*]

[*Preamble rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

No sand, etc. to be put in any truss of hay or straw to increase its weight.

1. No person shall mix or put, or cause to be mixed or put, any water, sand, earth, or other matter or thing whatsoever in any bundle or truss of hay or straw intended for sale, within the cities of London and Westminster, or within thirty miles thereof, with intent fraudulently to increase the weight thereof, nor sell, offer, or expose for sale, or cause to be sold, offered, or exposed for sale, any hay or straw into or with which any water, sand, earth, or other matter has been put or mixed, with such intent as aforesaid.

Salesmen to declare the names of the owners of such hay or straw.

2. Every salesman or other person who shall sell, in any market or place within the cities and limits aforesaid, any hay or straw for the owner thereof, shall at the time of such sale or at the delivery thereof deliver or cause to be delivered therewith to the buyer thereof a ticket or note containing the number of trusses so sold, and the Christian name, surname, and address of such owner.

Clerk of the market, upon complaint, to weigh and examine the hay or straw, and if found deficient, etc. to summon offenders before Justices.

3. Where any hay or straw is offered or exposed for sale in any public hay market within the cities and limits aforesaid, if any complaint be made to the clerk or toll collector of any such market that the same is deficient in weight or quantity, or has been mixed or packed contrary to the provisions of this Act or of the Act of the thirty-sixth year of the reign of King George the Third, chapter eighty-eight, it shall be lawful for him and he is hereby required to weigh and examine the same; and if upon such weighing or examination any such hay or straw shall be found deficient in weight or quantity, or mixed with any foreign matter, contrary to the provisions of this Act or of the said recited Act, every such clerk or

* Now Metropolitan Borough Council. See 62 & 63 Vict. c. 14, s. 4.

collector is hereby authorized and empowered to summon the offender or offenders before any Justice of the Peace having jurisdiction in the district where such market is situated, and every such Justice shall upon proof thereof convict the offender or offenders in the respective penalties by this Act or the said recited Act imposed.

4. For every offence against or disobedience of the provisions of this Act the offender shall, at the discretion of the Justice before whom the conviction shall take place, be liable to any penalty not exceeding ten pounds as shall be adjudged by such Justice. Penalties.

5. This Act shall be construed and taken together with the Act passed in the thirty-sixth year of the reign of King George the Third, chapter eighty-eight, so far as the provisions of the same are consistent herewith. . . . *[Part omitted (as to pending actions)* 36 G. 3. c. 88, and this Act to be construed together.
rep. 38 & 39 Vict. c. 66 (S.L.R.).]

20 & 21 VICTORIA. A.D. 1857.

CHAPTER 64.

AN ACT . . . TO AMEND THE ACTS CONCERNING THE METROPOLITAN POLICE. [25th August 1857.]

[Part of title and preamble rep. 55 & 56 Vict. c. 19 (S.L.R.).]

1—10. *[Provisions as to borrowing monies. Rep. 49 & 50 Vict. c. 22, s. 8.]*

11—12. *[Valuation for purposes of police rate. Rep. (as to metropolis) 32 & 33 Vict. c. 67, s. 77.]*

13. The receiver for the metropolitan police district, or any person having an order for that purpose under the hand of such receiver, may inspect any poor rate made or to be made for any parish, township, precinct, or place in the metropolitan police district, and take copies of or extracts from any such rate, without payment of any fee or reward. Power to receiver for metropolitan police district, etc. to inspect rates.

14. If any overseer or overseers refuse or neglect to make any return when so required by the receiver as aforesaid, or if any overseer or person having the custody of any such poor rate as herein mentioned refuse or neglect to permit the receiver or any person hereby authorized to inspect such rate, or to take copies or extracts from the same, within two days after notice in writing, under the hand of such receiver, for that purpose shown to the overseer or person having the custody of such poor rate, or left at his usual place of abode; every overseer or person so offending shall, on conviction thereof before two Justices of the Peace, or before any Police Magistrate sitting in a police court of the metropolitan police district, forfeit and pay for every such offence the sum of ten pounds. Penalty on overseers neglecting to make returns, or refusing to produce rates.

15. *[As to deficiency in Police Superannuation Fund. Rep. by the Police Act 1890, s. 36.]*

SCHEDULES (A.) AND (B.). *[Forms of mortgage and transfer. Rep. 49 & 50 Vict. c. 22, s. 8.]*

CHAPTER CXV.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO OPEN CERTAIN NEW STREETS IN THE CITY AND LIBERTIES OF WESTMINSTER AND IN THE BOROUGH OF SOUTHWARK.

[10th August 1857.]

[*Preamble recites (inter alia) 18 & 19 Vict. c. 120, s. 144; and that by the London Bridge Approaches Act 1850 the residue of "The London Bridge Approaches Fund" was made applicable to the opening of improved communication between Coventry Street and Covent Garden; and that the Commissioners of Woods were authorized by 4 & 5 Vict. c. 12 to advance £30,000, and by the said Act of 1850 to appropriate a further sum of £30,000 with interest towards making a new street between Southwark and Westminster Bridge; and that there was then £89,100 in Exchequer Bills applicable to such purpose; and that plans of the improvements proposed by the Act have been deposited with the Clerks of the Peace for Middlesex and Surrey.*]

1. [*Incorporation of Lands Clauses Act 1845. Spent.*]

Short title.

2. In citing this Act for any purpose it shall be sufficient to use the expression "Covent Garden Approach, and Southwark and Westminster Communication Act, 1857."

Interpretation of terms.

3. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The word "streets" shall include squares, streets, courts, or alleys, highways, lanes, roads, thoroughfares, or public passages or places:

The expression "the Board" shall mean the Metropolitan Board of Works.

[*Part omitted (definitions of "person," "Justice," "two Justices," and "lessees") spent.*]

4. [*Definition of "sheriff" in Lands Clauses Act for purposes of this Act. Spent.*]

5—7. [*Board to execute Act—Power to act by a committee—Persons interested not eligible for committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

Power to make new streets.

8. It shall be lawful for the Board to make the new streets following; that is to say, a new street commencing in the parish of Saint Martin in the Fields in the city and liberty of Westminster in the county of Middlesex † at or from Saint Martin's Lane at or near its point of intersection by Long Acre and Cranbourne Street, and thence running in a south-easterly direction, and terminating in the parish of Saint Paul Covent Garden in the city and liberty of Westminster aforesaid at or near the north-west end of the street there called King Street, and which new street will be partly in the parish of Saint Martin in the Fields and partly in the parish of Saint Paul Covent Garden, and is herein-after referred to as the

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

Covent Garden approach : a new street commencing in the parish of Christchurch Southwark in the county of Surrey * at the east side of the Blackfriars Road opposite or nearly opposite to the east end of Stamford Street, and terminating in High Street in the parish of Saint Saviour's in the borough of Southwark and county of Surrey * near York Street in the same borough, and which lastly-mentioned new street will be partly in the parish of Christchurch, partly in the Clink liberty, and partly in the parish of Saint Saviour's Southwark in the county of Surrey,* and is herein-after referred to as the Southwark improvement.

9—13. [*Streets and other works authorized to be made according to deposited plans—Powers to Board to take lands, to lay out footways, to alter and stop up streets, etc., and resting of soil thereof in the Board for the purposes of the Act—Powers to stop up ways during works and to alter streets. Spent.*]

14. [*As to laying of pavements, and resting the same, when laid, in the board of works† or vestry† in whose district or parish they are.*]

15. [*Sewers and drains to be arched over or filled up, and new sewers and drains to be under the same management as existing ones.*]

16. [*Power to alter steps, areas, pipes, etc. Spent.*]

17. [*Ground laid into the streets to form part thereof to be used by public, and to be under the management of the board of works† or vestry† in whose district or parish it is.*]

18. The Board may permit the use of the subsoil or ground under any street formed by the Board, or any part thereof, by any company or person for the purpose of subways, subroads, railways, or any public works or purpose, or for laying down gas or water pipes, or telegraph wires, upon such terms and conditions and for such period as the Board and such company or person may mutually agree, and the Board may sell and convey any such right or property to any company or person for any of the purposes aforesaid, or may grant a lease thereof for any term or number of years, and make such stipulations for preventing injury to the adjoining property, and for the security of the public, as the Board think proper.

Provision as to subsoil of streets.

19—44. [*Powers to take lands—Errors and omissions in plans—Saving rights of Charles and William Pott—Power to Board to sell materials—Removal of bodies from graveyard of Redcross Street Friends' Meeting House—Powers to survey lands to be taken—Power for compulsory purchase limited to 5 years—Provisions as to acquisition of lands and compensation—Section 133 of Lands Clauses Act 1845 not incorporated—Deficiencies of land tax during works—Power to grant building leases of lands not wanted—Ground rents and reversionaries to be sold—Power to sell land without previously leasing—Land not wanted to be sold within ten years—Receipts of Board to be effectual discharges—Power to Board to raise £35,000 on the credit of the London Bridge Approaches Fund—Board may accept contributions towards Covent Garden approach—Moneys appropriated for Southwark improvement to be paid to the Board. Spent.*]

45. [*Borrowing powers. Rep. in part 32 & 33 Vict. c. 102, s. 50. Remr. spent : see ibid. s. 34.*]

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the Metropolitan Borough Councils. See 62 & 63 Vict. c. 14, s. 4.

46—53. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

54. [*Separate accounts. Superseded 51 & 52 Vict. c. 41, ss. 68 and 71.*]

55. [*Application of moneys borrowed. Spent.*]

56. [*Application of moneys arising from sales, etc. Rep. 32 & 33 Vict. c. 102, s. 50.*]

57—58. [*Commissioners of Works to deliver to the Board the £89,100 Exchequer Bills held by them—Board to exhaust such funds before exercising borrowing powers. Spent.*]

SCHEDULE. [*Forms of securities for loans. Spent. See 32 & 33 Vict. c. 102, s. 34.*]

CHAPTER CL.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO FORM A PARK FOR THE NORTHERN SUBURBS OF THE METROPOLIS, TO BE CALLED FINSBURY PARK. [17th August 1857.]

[*Preamble recites 18 & 19 Vict. c. 120, s. 144, and 19 & 20 Vict. c. 112, and (inter alia) that the Metropolitan Board of Works had deposited with the Clerk of the Peace for the County of Middlesex plans of the proposed park.*]

1. [*Incorporation of Lands Clauses Act 1845. Spent.*]

Short title.

2. In citing this Act for any purpose it shall be sufficient to use the expression "The Finsbury Park Act, 1857."

Interpreta-
tion of terms.

3. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The word "person" shall include corporation, whether aggregate or sole:

The word "streets" shall include streets, courts, or alleys, highways, lanes, roads, thoroughfares, or public passages or places:

The expression "the Board" shall mean "the Metropolitan Board of Works:"*

The expression "New River Company"† shall mean the Governor and Company of the New River brought from Chadwell and Amwell to London.

4—6. [*Board to execute Act—Power to act by committee—Persons interested not eligible for committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix); and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

Power to
form and
maintain
park.

7. It shall be lawful for the Board and they are hereby empowered to provide, form, and maintain a park or enclosure for the use, recreation, and enjoyment of the public, to be called "Finsbury Park," situate in the parishes of St. Mary Islington and Hornsey respectively in the county of Middlesex.‡

Power to
Board to
purchase
compulsorily
certain pro-
perty herein
named.

8. It shall be lawful for the Board, for the purposes aforesaid, to purchase and take, compulsorily or by agreement, and to hold all or any of the lands and property herein-after mentioned and described, other than and except the lands, works, and waters of the New River Company;† (that is to say,) all those several pieces or parcels

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

‡ Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

of land situated in the parishes of St. Mary Islington and Hornsey respectively, and containing in the whole two hundred and fifty acres or thereabouts, bounded on the north by a line nearly ranging with tile kilns across land belonging to or reputed to belong to George Moore and Thomas Twining Wing, and on the east by the Green Lanes Road and by the north, south, and west boundaries of the filtering beds and reservoirs belonging to the New River Company,* and on the south by the river belonging to the New River Company* and by land belonging to Henry Rydon esquire, and on the west by Stroud Green Lane, the Great Northern Railway, Highbury Vale, and Blackstock Lane, which said pieces or parcels of land are intersected from east to west by the Seven Sisters Road, and are portions of the said pieces or parcels of land which are marked or shown upon the plan so deposited with the clerk of the peace for the county of Middlesex aforesaid, or within the limits of deviation marked upon the said plan.

9. The Board shall lay out, plant, and enclose the said park, and build any lodge or lodges or other ornamental buildings therein, and in such manner as they shall think fit, and may cause any of the buildings which shall be on the hereditaments so to be purchased to be pulled down, and apply the produce of the sale of the materials for any of the purposes aforesaid. [See also 50 & 51 Vict. c. cvi. s. 50, and 58 & 59 Vict. c. cxxvii. s. 45.]

Power to lay out, plant, and enclose the park, and purchase buildings, etc.

10. The Board may construct such bridges as they may deem necessary over the New River within the said park.

Board may construct bridges, etc.

11. [Power to appoint officers for purposes of Act. Superseded by the Municipal Corporations Act 1852, ss. 19 and 20 (See Appendix); and 51 & 52 Vict. c. 41, s. 75.]

12—13. [As to byelaws. Superseded 40 Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. cexliii. ss. 14 and 19; and 61 & 62 Vict. c. cxxxi. s. 61.]

14. The maintaining and keeping in order the said park and otherwise regulating and improving the same shall be under the care, management, and control of the said Board, and the said Board shall have and exercise all the powers and authorities given by this Act.

Management of the park to be in the Board.

15. [Expenses of obtaining and executing Act. Spent in part. Remr. superseded by 51 & 52 Vict. c. 41, part iv.]

16. [Officers not to be interested in contracts. See 18 & 19 Vict. c. 120, s. 64, which is practically identical, and semble applies to this Act.]

17. It shall be lawful for the said Board and they are hereby empowered for the purpose of forming and enclosing the said park or otherwise, and from time to time, to alter and divert such of the streets, roads, and watercourses, other than the New River and the works and waters of the New River Company,* delineated upon the plan deposited as aforesaid, and lying within the boundary of the pieces of land hereby authorized to be purchased, as to the Board may seem necessary.

Power to Board to divert streets, etc., making compensation to owners.

18. [Stopping up ways during formation of park. Spent.]

19. [Saving rights for Commissioners of Turnpike Roads North of the Thames. Spent.]

20. [Board to make roads from lands of G. Moore and T. Twining Wing to Green Lanes Road. Rep. 37 & 38 Vict. c. xevii. ss. 9.]

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

21. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

22. [*Powers to the Board to alter water or gas pipes. Spent.*]

23—29. (*Powers to the Board to take lands—Errors and omissions in plans—Powers for compulsory purchase limited to five years—Section 133 of Lands Clauses Act 1845 not to be incorporated—Deficiencies of land tax during works. Spent.*)

New River Company* not to be interfered with.

30. Provided always, that the Board, their lessees or assigns, shall not, in the execution of any of the powers by this Act given, diminish or interfere with the channel of the New River or the flow of water through the same, or construct or lay down any works, sewers, drains, houses, erections, or buildings, whereby or by the user whereof the water therein or in the mains of the New River Company* may be fouled, or the free access of air to the said channel obstructed; and the Board, their lessees or assigns, shall not make any alteration of the levels of the land purchased or taken under this Act, whereby the depth of ground between the surface and any of the mains of the New River Company* shall be reduced to less than eighteen inches, or whereby the access to the New River shall be hindered.

New River Company* may lay and renew mains, etc.

31. The New River Company* may at all times hereafter lay down any new or additional mains and pipes, and examine, remove, alter, repair, and renew any of their mains or pipes for the time being laid in or under any lands which, or their rights and easements in and over which, shall have been purchased under the powers of this Act, and examine and cleanse the channel of the New River in the passage thereof through the same lands, and remove therefrom, place and lay upon the banks thereof stones, ice, mud, rubbish, weeds, vegetables, and other matters which it may from time to time be necessary to remove from their works; and for the purposes aforesaid the New River Company,* their agents, servants, and workmen, may at all reasonable times hereafter, with or without horses and carts, enter upon any of the same lands: Provided always, that in the execution of these powers the New River Company* shall do as little damage as may be, and whenever the surface of the ground is disturbed by them they shall restore the same to the previous condition thereof, or as near thereto as may be, and shall remove all such matters as shall be laid on the said lands as aforesaid with all reasonable despatch.

Certain works for park to be made at the expense of the Board, and to satisfaction of New River Company,* as far as affects New River.

32. That in the event of the Board acquiring the estate of the Ecclesiastical Commissioners adjoining upon the filtering reservoirs of the New River Company* near the Green Lanes, and appropriating the land for the purposes of a park, the Board shall, if the Board of Trade shall so require, fence the New River and reservoir from the public; and all such roads, sewers, bridges, communications, and other works as shall be desired by the said Board, whether adjoining upon the said reservoirs or crossing the New River or the mains or works of the New River Company,* shall be constructed by and at the expense of the said Board; and as to such of the same as interfere with, infringe upon, or pass over any of the works of the said New River Company,* the same shall be constructed under the superintendence and to the satisfaction of the engineer for the time being of the said New River Company,* and the New River Company*

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

shall be exonerated from any obligation under which they now lie to the Ecclesiastical Commissioners for the formation of roads, sewers, or bridges, with a view to the occupation of the same ground for building purposes or otherwise.

33. Any disputes which may arise between the New River Company* and the Board with reference to the construction, execution or non-execution, observance or non-observance of any of the powers or provisions of this Act, or to any matter incidental thereto or connected therewith, (except questions the settlement of which is provided for by "The Lands Clauses Consolidation Act, 1845," herewith incorporated,) shall, unless a Judge of any of the superior Courts of Common Law shall, on application to be made to him in a summary way, otherwise direct, be settled by arbitration; and for this purpose the clauses and provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, are incorporated with this Act, with this alteration, namely, that the appointment of any arbitrator on the part of the Board shall be under their common seal.

34—35. [*Board may sell lands not wanted within ten years—Receipts of Board to be effectual discharges. Spent.*]

36. [*Borrowing powers. Rep. in part 32 & 33 Vict. c. 102, s. 50. Remr. spent; see ibid. s. 34.*]

37—44. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

45. [*Application of moneys to be borrowed. Spent. See 32 & 33 Vict. c. 102, s. 3.*]

46. The Board may enter into all such contracts as they may think fit for forming and providing the said park, conveniences, and matters by this Act authorized to be provided, and for any others in relation to the purposes of this Act in respect of which it may appear to the Board expedient to enter into contracts.

47. [*Accounts. Superseded 51 & 52 Vict. c. 41, s. 71.*]

SCHEDULE. [*Forms of securities for loans. Spent. See 32 & 33 Vict. c. 102, s. 34.*]

21 & 22 VICTORIA. A.D. 1858.

CHAPTER 104.

AN ACT TO ALTER AND AMEND THE METROPOLIS LOCAL MANAGEMENT ACT (1855), AND TO EXTEND THE POWERS OF THE METROPOLITAN BOARD OF WORKS FOR THE PURIFICATION OF THE THAMES AND THE MAIN DRAINAGE OF THE METROPOLIS.

[*2d August 1858.*]

[*Preamble (reciting 18 & 19 Vict. c. 120) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

1. The Metropolitan Board† shall cause to be commenced as soon as may be after the passing of this Act, and to be carried on and completed with all convenient speed according to such plan as to them may seem proper, the necessary sewers and works for the

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 11.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

The Metropolitan Board of Works to commence sewerage works as soon as may be.

improvement of the main drainage of the metropolis, and for preventing, as far as may be practicable, the sewage of the metropolis from passing into the River Thames within the metropolis.

Metropolitan Board may construct works on the shores and bed of the Thames.

2. The Metropolitan Board of Works, for the purposes of this Act, may construct any work through, along, over, or under the bed and soil and banks and shores of the River Thames, making compensation to all persons having any interest in any wharfs, jetties, or other property damaged by such works, as provided by the said Act of the eighteenth and nineteenth years of Her Majesty in respect of property injured under the powers of such Act.

Powers of taking land to apply for the purpose of deodorizing works.

3. The powers of taking land given by the said Act of the eighteenth and nineteenth years of Her Majesty, and all other powers in such Act and this Act in relation to sewerage works, shall extend and be applicable as well to works for deodorizing sewage as to all other works under this Act, either within or beyond the limits of the metropolis, and all such works shall be deemed works for the purpose of the sewerage or drainage of the metropolis.

4—7. [*Powers to raise money for purposes of Act. Rep. 32 & 33 Vict. c. 102, s. 50.*]

8. [*Application of money borrowed. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

Appointment of inspecting engineers.

9. It shall be lawful for the Commissioners of Her Majesty's Treasury from time to time to appoint an engineer or engineers to inspect the works to be constructed under this Act, and to report to such Commissioners in relation to the expenditure thereon; and such engineer or engineers shall have full power and authority at all reasonable times to enter upon such works, and survey and inspect the same, and to inspect the accounts of the said Metropolitan Board in relation thereto, for the purpose of reporting as aforesaid.

10—22. [*Powers to raise main drainage rate. Rep. 32 & 33 Vict. c. 102, s. 50.*]

Metropolitan Board to deodorize sewage, and defray expenses as under 18 & 19 Vict. c. 120.

23. The Metropolitan Board of Works, in the meantime and until the works required by this Act for the purification of the River Thames are completed, may do all such works and apply all such means as they may deem proper for deodorizing such sewage or otherwise protecting the public health from any injurious consequences therefrom, and may defray the expenses incurred for this purpose as the expenses incurred by the said board under the said Act of the eighteenth and nineteenth years of Her Majesty are therein directed to be defrayed.

Board to execute works so as not to create a nuisance.

24. The said Metropolitan Board shall cause all works to be executed under this Act to be constructed and kept so as not to be a nuisance, and shall, in deodorizing any sewage, and in disposing of any sewage or refuse from sewers, act in such manner as not to create a nuisance.

25. [*Repeal of s. 136 and of proviso to s. 144 of 18 & 19 Vict. c. 120. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

26. [*Extension of time for completion of certain works under 18 & 19 Vict. c. 120. Rep. 32 & 33 Vict. c. 102, s. 50.*]

Works, etc. to be approved of by the Admiralty.

27. No works upon the bed or shores of the said River Thames below high-water mark which may interfere with the navigation of that river shall at any time be commenced or executed under the

provisions of this Act without the same having been previously approved of by the Lord High Admiral,* or the commissioners for executing the office of Lord High Admiral, such approval to be from time to time specified in writing under the hand of the Secretary to the Admiralty.

28. In order to preserve the navigation of the River Thames, the plans of any work to be constructed under the authority of this Act upon the banks, bed, or shore of the River Thames, which may interfere with the free navigation of the said river, shall be approved by the Conservators of the River Thames, in writing signed by their secretary, before such works are commenced, certifying that the works according to such plans will not interfere with the navigation of the River Thames.

Works upon shore of the River Thames to be approved by the Conservators of the River Thames.

29. Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the rights of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise, so far as such rights, power, authority, or jurisdiction may be exercised for preserving the free navigation of the River Thames.

Saving rights of the Conservators of the River Thames.

30. No works under or over the main navigable channel of the River Lea shall at any time be commenced or executed under the provisions of this Act without leaving the top of any work under the navigation not less than twelve feet below high water, Trinity standard, and for any work over any part of the navigation without leaving the soffit of such work not less than eight feet six inches above high water, Trinity standard, with a clear span over the said river, inclusive of the towing-path thereof, of not less than fifty-four feet; provided that it shall be lawful for the trustees of the River Lea, by writing under their common seal, on the application of the Metropolitan Board of Works, to consent to an alteration or variation of the said dimensions or either of them.

Regulation of works under or over the River Lea.

31. It shall be lawful for one of Her Majesty's principal Secretaries of State, at his discretion, on representation or complaint made to him of any nuisance committed in execution of any works, or in deodorizing any sewage, or in disposing of any sewage or refuse from sewers, or in any other manner under this Act, to cause inquiry to be made into the matter represented or complained of to him, and to direct such prosecution or prosecutions, or to take such other proceedings as he may think fit, in order to ensure the prevention or abatement of such nuisance as aforesaid.

On complaint of nuisance committed in execution of works, Secretary of State may order prosecution.

32. In the construction of this Act the expression "deodorize" shall be deemed to include any process whereby the solid suspended matters in sewage may be precipitated or separated from the liquid before the discharge thereof, or whereby the noxious or offensive properties of sewage may be neutralized; and the expression "sewage" shall mean and include the contents of the sewers before the employment of such process.

Interpretation of terms.

33. The said Act of the eighteenth and nineteenth years of Her Majesty and this Act shall be read together as one Act.

Recited Act and this Act to be as one.

SCHEDULES A. AND B. [*Form of assessment and form of precept.*
32 & 33 Vict. c. 102, s. 50.]

* Now the Board of Trade. See the Harbours Transfer Act 1862, s. 8.

CHAPTER XXXVIII.

AN ACT TO AUTHORIZE THE METROPOLITAN BOARD OF WORKS TO FORM AN IMPROVED COMMUNICATION BETWEEN LIMEHOUSE AND THE VICTORIA PARK IN THE COUNTY OF MIDDLESEX; AND FOR OTHER PURPOSES. [14th June 1858.]

[*Preamble recites 18 & 19 Vict. c. 120, s. 144.*]

1. [*Incorporation of Lands Clauses Act 1845. Spent.*]

Short title.

2. In citing this Act for any purpose it shall be sufficient to use the expression "Victoria Park Approach Act 1858."

Interpretation of words.

3. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The word "streets" shall include squares, streets, courts, or alleys, highways, lanes, roads, thoroughfares, or public passages or places:

The expression "the Board" shall mean the Metropolitan Board of Works.*

[*Part omitted (definitions of "Justice," "two Justices," and "lessee") spent.*]

4—6. [*Board to execute Act—Power to act by committee—Persons interested not eligible for committee. Superseded by the Municipal Corporations Act 1882 (see Appendix), s. 22; and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

Power to make improvements.

7. It shall be lawful for the Board to make the improvements following; (that is to say,)

To form a new street or road, commencing in the parish of Saint Anne, Limehouse, in the county of Middlesex,† at or from the East India Dock Road at or near its point of intersection with the Commercial Road East and West India Dock Road, thence proceeding in a north-westerly direction, passing by means of a bridge over the Limehouse Cut, and under certain arches already formed under the railway known as the London and Blackwall Extension Railway, and terminating in the hamlet of Mile End Old Town, in the said county, at or near to York Terrace and Saville Place in the Bow Road, opposite or nearly opposite to the south end of Grove Road:

To improve that portion of Grove Road which is situate between Bow Road in the said hamlet of Mile End Old Town and Old Ford Road in the parish of Saint Matthew, Bethnal Green, and for the purposes thereof, to widen and alter that part of the road which is situate on each side of the crossing of the Eastern Counties Railway‡ over the said road, and to construct side arches under that railway, and to alter the footpaths of such road, or make new footpaths on both sides or either side of the Eastern Counties Railway,‡ in the said hamlet of Mile End Old Town and parish of Saint Matthew, Bethnal Green.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

‡ Amalgamated with the Great Eastern Railway by the Great Eastern Railway Companies's Act 1862.

8—13. [*Improvements to be made according to deposited plans—Power to deviate—Property not to be taken without consent unless shown on plans—Errors and omissions in plans—Power to lay out footways, etc.—Power to alter and stop up streets—Power to stop up ways during works. Spent.*]

14. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

15. [*Power to alter steps, areas, pipes, etc. Spent.*]

16. Such of the works hereby authorized as are necessary for or connected with the aforesaid alteration and widening of that part of the Grove Road which is situate on each side of the crossing of the Eastern Counties Railway* over the said road, and the construction of side arches under that railway, and the alteration of or making new footpaths on both sides or on either side of that railway, and any works constructed under the authority of this Act which shall in any way affect the said railway or the works connected therewith, . . . when so made and constructed by the said Board . . . , shall, so far as respects such part thereof as shall be situate within the hamlet of Mile End Old Town, be from time to time maintained and repaired in such manner as shall be approved by the engineer for the time being of the said railway company, and to his satisfaction, by the vestry of the hamlet of Mile End, and so far as respects any other part thereof, shall be so maintained and repaired by the district board or vestry of that parish or place in which such works are situate, according to the provisions contained in this Act. [*Parts omitted (as to construction of works) spent.*]

For protection of the Eastern Counties Railway Company.

17. If any dispute shall arise, . . . between either of the said district boards or vestries and the said railway company or their engineer, or between the said district boards or vestries, with respect to the maintenance or repair of any work under or in any way affecting the said railway, every such dispute shall be settled by arbitration in the manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration. [*Part omitted (as to construction of works) spent.*]

Disputes between Board and railway company to be settled by arbitration

18. [*Board to erect a bridge over Lee Navigation. Spent.*]

19. The bridge so to be built as aforesaid over the River Lee navigation shall be executed to the reasonable satisfaction of the engineer for the time being of the trustees, at the expense of the Board; and such bridge when erected shall be maintained and repaired by the district board to such satisfaction as aforesaid. . . . [*Part omitted (as to disputes about construction) spent.*]

Bridge, etc. to be constructed under superintendence of engineer of Lee Trustees.

20. At all times during the construction of the said bridge and other works, and any future repairs thereof, the Board or the district board shall leave for the free and uninterrupted passage of boats, barges, and other vessels along the said navigation an open and uninterrupted navigable waterway of the width of twenty-four feet at the least, and an uninterrupted horseway along the said towing-path of the width of six feet at the least, both waterway and horseway having a clear height or headway of at least seven feet.

Provision for keeping Lee navigation free during works, etc.

21—24. [*For the protection of the Lee Navigation and trustees of the River Lee.*]

25. [*As to agreements with landowners and others. Spent.*]

* Amalgamated with the Great Eastern Railway by the Great Eastern Railway Company's Act 1862.

26. [*Land laid into street to form part thereof, and to be maintained by the board of works* of the district or the vestry* of the parish within which it is.*]

As to subsoil
of streets.

27. The Board may permit the use of the subsoil or ground under any street formed by the Board, or any part thereof, for cellars or vaults attached to the houses on the sides of such street, and also the use of such subsoil or ground by any company or person for the purpose of subways, subroads, railways, or any public works or purpose, or for laying down gas or water pipes, or telegraph wires, upon such terms and conditions and for such period as the Board and such company or person may mutually agree; and the Board may sell and convey any such right or property to any company or person for any of the purposes aforesaid, or may grant a lease thereof for any term or number of years, and make such stipulations for preventing injury to the adjoining property and for the security of the public as the Board think proper.

28—36. [*Power to Board to sell materials—Powers for compulsory purchase limited to five years—Section 133 of the Lands Clauses Act 1845 not to apply—Deficiencies of land tax during works—Power to grant building leases of lands not wanted—As to sale of ground rents—Power to sell land without leasing—Land not wanted to be sold within ten years—Receipts of Board to be effectual discharges. Spent.*]

37. [*Expenses of obtaining and executing Act. Superseded (as to executing Act) 51 & 52 Vict. c. 41, part iv. Remr. spent.*]

38. [*Borrowing powers. Rep. in part 32 & 33 Vict. c. 102, s. 50. Remr. spent. See ibid. s. 34.*]

39—44. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

45. [*Separate accounts. Superseded 51 & 52 Vict. c. 41, s. 71.*]

46. [*Application of moneys borrowed. Spent.*]

47. [*Application of moneys arising from sales. Rep. 32 & 33 Vict. c. 102, s. 50.*]

48. [*Saving the rights of the Crown.*]

SCHEDULE. [*Form of Bond. Spent. See 32 & 33 Vict. c. 102, s. 34.*]

23 & 24 VICTORIA. A.D. 1860.

CHAPTER 125.

AN ACT FOR BETTER REGULATING THE SUPPLY OF GAS TO THE METROPOLIS. [28th August 1860.]

[*Preamble recites (inter alia) that "The Gaslight & Coke Company," "The City of London Gaslight & Coke Company,"† "The Commercial Gaslight & Coke Company," "The Equitable Gaslight Company,"‡ "The Great Central Gas Consumers Company,"† "The Independent Gaslight & Coke Company,"§ "The London Gaslight*

* Now the Metropolitan Borough Council. See 62 & 63 Vict. c. 14, s. 4.

† Amalgamated with the Gaslight & Coke Company by an Order in Council in 1870 made under 31 & 32 Vict. c. cxxv. ss. 18—24.

‡ Amalgamated with the Gaslight & Coke Company by the Gaslight & Coke Company's Act 1871.

§ Amalgamated with the Gaslight & Coke Company by an Order in Council in 1876 made under 31 & 32 Vict. c. cxxv. ss. 18—24.

Company,” “The Phoenix Gaslight & Coke Company,”† “The Ratcliff Gaslight & Coke Company,”‡ “The Surrey Consumers Gas Company,”§ “The South Metropolitan Gaslight & Coke Company,” “The Western Gaslight Company (Limited),|| “The Imperial Gaslight & Coke Company,”¶ instead of supplying gas by several mains in the same district, have agreed, as far as possible, each one to confine its supply to a separate district, in order to economise capital and avoid the too frequent opening of the public streets, and, that subject to the provisions and restrictions of this Act, it is expedient that such districting should receive the sanction of Parliament.]*

1. This Act may for all purposes be cited as “Metropolis Gas Act, 1860.” Short title.

2. “The Gasworks Clauses Act, 1847,” (except so far as the provisions thereof are inconsistent with this Act,) is incorporated with and forms part of this Act, and shall apply to the several companies before named or referred to as fully as if the gasworks of the several companies were authorized by this Act; and the expression “undertakers” in the recited Act shall be held to apply to every gas company affected by this Act; but it shall not be lawful for any gas company, by the application of any of their profits or funds, to make up to the prescribed rate, or the rate of ten pounds per centum per annum where no such rate shall be prescribed, any dividend which shall have been payable more than six years previously; provided that the powers vested in the Justices by the said Act shall be exercised by a Magistrate. [*Varied (as regards the South Metropolitan, Commercial, and Gaslight & Coke Companies)* 31 & 32 Vict. c. cxxv. s. 2; 32 & 33 Vict. c. cxxx. s. 4; 38 & 39 Vict. c. cc. s. 3; and 39 & 40 Vict. c. cccxxv. s. 8.]

10 & 11 Vict.
c. 15. incor-
porated with
this Act.

3. This Act applies to the several gas companies, and to all persons already or hereafter supplying gas within the metropolis, except as herein-after excepted.

Companies
and persons
to whom Act
applies.

4. In the construction of this Act the following words and expressions have the following meanings, unless excluded by the subject or context; (that is to say,)

Interpreta-
tion of terms.

The expression “gas company” or “gas companies” means and includes any and every company, and any person or persons, supplying gas within the limits of this Act:

The expression “local authority” includes the Metropolitan Board of Works,** vestries,†† and district boards†† appointed under an Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty, for the local management of the metropolis:

* Amalgamated with the Gaslight & Coke Company by an Order in Council in 1883 made under 31 & 32 Vict. c. cxxv. ss. 18—24.

† Amalgamated with the South Metropolitan Gaslight and Coke Company by an Order in Council in 1880 made under the South Metropolitan Gaslight & Coke Company's Act 1876, s. 64.

‡ Amalgamated with the Commercial Gas Company by the Commercial Gas Act 1875.

§ Amalgamated with the South Metropolitan Gaslight & Coke Company by an Order in Council in 1879 made under the South Metropolitan Gaslight & Coke Company's Act 1876, s. 64.

|| Amalgamated with the Gaslight & Coke Company by an Order in Council in 1872 made under 31 & 32 Vict. c. cxxv. ss. 18—24.

¶ Amalgamated with the Gaslight & Coke Company by an Order in Council in 1876 made under 31 & 32 Vict. c. cxxv. ss. 18—24.

** Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

†† Now the Metropolitan Borough Councils. See 62 & 63 Vict. c. 14, s. 4.

The word "inspector" or "inspectors" shall mean any metropolitan gas inspector or inspectors to be appointed under this Act :

The word "consumer" means a person receiving or entitled, in accordance with this Act, to receive a supply of gas from any gas company :

The word "the metropolis" has the same meaning as in the said Act of the eighteenth and nineteenth years of Her present Majesty, chapter one hundred and twenty :

The word "district" means, with respect to every gas company supplying gas wholly or in part within the metropolis, the district, so far as it is within the metropolis, within which the gas company are from time to time authorized to supply gas, and means, with respect to any person or persons not being a gas company, but supplying gas wholly or in part within the metropolis, the district within the metropolis within which he or they shall from time to time as a trade or business supply gas :

The word "street" includes square, court, alley, highway, lane, road, thoroughfare, and public passage or place :

The word "premises" includes public and private messuages and other buildings, lands, and tenements whatsoever :

The word "the gasworks" means the works of the respective gas companies, and the works connected therewith :

The word "rate" includes all rents and other payments for a supply of gas :

The word "meter rent" includes all rents and other payments for the use of gas meters :

The word "Magistrate" means any police or stipendiary Magistrate acting in and for the district of the metropolis in which the matter referred to him arises, and in the city of London and the liberties thereof shall mean any Justice of the Peace for the city of London and the liberties thereof :

* The words "common gas" shall mean gas of an illuminating power herein-after defined of not less than twelve candles :

* The words "cannel gas" shall mean gas of an illuminating power herein-after defined of not less than twenty candles.

Limits of Act.

5. The limits of this Act shall be the metropolis: Provided always, that this Act and the several clauses and provisions thereof shall not extend or apply or be construed to extend or apply to the several gas companies set forth and enumerated in the schedule annexed to this Act; provided also, that the districts severally specified and described in the Acts and instrument of incorporation respectively mentioned in the said schedule, or within which the said companies or any of them are now supplying gas, (notwithstanding the said districts, or any portions thereof, are or may be within the limits of the metropolis as defined by this Act,) shall not be included or deemed to be included in the expression "the metropolis," or any extension thereof which may hereafter be made, under the provisions of the herein-before mentioned Act of the eighteenth and nineteenth Victoria, chapter one hundred and twenty; provided also, that if the said companies or any of them shall supply gas in parts of the metropolis other than those within their respective districts as defined in the said schedule, then the provisions of this

* Rep. as regards the Commercial and Gaslight & Coke Gas Companies. See 38 & 39 Vict. c. cc. s. 3, and 39 & 40 Vict. c. ccxxv. s. 8.

Act shall be held to apply to such companies respectively so far only as regards such extended limits as may be within the metropolis.

6. The limits of each of the said companies shall be the respective districts supplied with gas by such companies as the same are defined upon four duplicate maps, signed by the Right Honourable Thomas Henry Sutton Sotherton Estcourt, and which maps have been severally deposited with the respective Clerks of the Peace for the counties of Middlesex, London, Surrey, and Kent; provided that at the expiration of three years next after the passing of this Act, and of every three years thereafter, Her Majesty's principal Secretary of State for the Home Department* for the time being may, either upon the application and with the consent of any two or more of the said gas companies whose districts adjoin one another, make any alteration in the boundaries of such districts, or, upon the application of any local authority, or upon the requisition of not less than twenty gas consumers within any district or districts proposed to be affected, and upon proof to his satisfaction being given that any of the said gas companies are not in a condition adequately to supply with gas their respective districts, or have substantially failed to fulfil the obligations imposed by this Act, may make such alterations in the boundaries of such districts, or admit any new company respectively, as he thinks proper; and all such alterations shall be certified on one or more maps, to be signed by the said Secretary of State,* and deposited with one or more of the said Clerks of the Peace; and such last-mentioned map or maps shall be binding on all parties, and the provisions of this Act shall be held to apply to the several districts when so altered, and to the several companies affected thereby, as fully and effectually as if no alteration in such districts had been made, and no other company or person than the company to whom such limits are for the time being assigned or shall hereafter be assigned shall supply gas for sale within the said limits, unless authorized by Parliament so to do; provided that before proceeding to consider the necessity for altering any of the said districts the said Secretary of State* shall cause at least one month's notice to be given of such application to all parties interested therein or affected thereby, and such notice shall state the day and hour when and the place where such application will be considered; and notices to be given to any gas company shall be left with the secretary or some other principal officer of the company, and notices to be given to any local authority shall be left with the clerk or some other principal officer of the said local authority. [See 51 & 52 Vict. c. 41, s. 118 (S) and (19).]

Sanctioning assignment of districts to gas companies to be subject to triennial revision.

7—12. [As to complaints and inspectors. *Rep. (as regards the South Metropolitan, Commercial, and Gaslight & Coke Companies)* 31 & 32 Vict. c. cxxv. s. 3; 32 & 33 Vict. c. cxxx. s. 4; 38 & 39 Vict. c. cc. s. 3; and 39 & 40 Vict. c. cxxv. s. 8; and so apply to no existing company.]

13. All the costs, charges, and expenses of and incident to any inquiry and decision of the said Secretary of State* under this Act shall from time to time be borne and paid by such parties as the said Secretary of State* shall direct, and such decision may, upon an *ex-parte* application, be made a rule of any of Her Majesty's superior Courts of Law at Westminster.

Cost of altering district.

* Now the Board of Trade. See 31 & 32 Vict. c. cxxv. s. 3; 32 & 33 Vict. c. cxxvi. s. 81, and c. cxxx. s. 4; and 38 & 39 Vict. c. cc. s. 3.

Gas companies to provide pipes, and supply gas and meters at prescribed rents.

14. Every gas company from time to time supplying gas within any district shall, as to any premises or street within such district not already supplied with gas, and which shall lie within fifty yards of any existing mains, at their own expense, on being required by the owner or occupier of any premises within the district or in part within the district, who shall contract for not less than two years to pay gas rates in respect of such supply to an amount equal to twenty per cent. upon the outlay, provide and lay all proper and sufficient communication, service, and other pipes up to the premises of such owner or occupier, to communicate with the gas company's mains, and shall, if so required by the owner, occupier, or local authority, furnish him or them, at the rate prescribed by this Act, with a supply of gas for the purpose of being used in or on the premises, or for lighting the street, and if so required by the owner or occupier, furnish him with one or more meters, for ascertaining the quantity of gas consumed; provided that the gas company shall not be bound to supply more than one meter for each consumer occupying a separate dwelling or apartment, nor any meter exceeding a five-light meter; provided also, that the meter rent which the said company shall be entitled to claim for such meter shall not exceed ten per cent. on the net cost of such meter. . . . [Amended (as regards South Metropolitan and Commercial Companies) 32 & 33 Vict. c. cxxx. s. 73; and 38 & 39 Vict. c. cc. s. 75. See also the Gasworks Clauses Act 1871, ss. 11 and 39. Part omitted (companies not charging meter rents on 1st January 1860 not to charge the same before 1st January 1862) rep. 38 & 39 Vict. c. 66 (S.L.R.).]

Security to be given to gas company, if required.

15. Provided, that the owner or occupier, if so required in writing by the gas company or any of their officers, shall, before he is entitled to have the pipes provided and laid, or to have a supply of gas or of meters furnished, give to the gas company such security for the payment of the rate for the gas to be supplied to him, and of the meter rent for every meter to be supplied to him, as he and the gas company agree on. [Amended (as regards the South Metropolitan, Commercial, and Gaslight & Coke Companies) 32 & 33 Vict. c. cxxx. s. 72; 34 & 35 Vict. c. cxxi. s. 13; and 38 & 39 Vict. c. cc. s. 77. See also the Gasworks Clauses Act 1871, ss. 11 and 16.]

Differences as to security to be determined by a Magistrate.

16. Provided, that if the owner or occupier and the gas company cannot agree thereon, the security to be given shall be determined by a Magistrate; and any single Magistrate shall, on the application of the owner or occupier and the gas company, or either of them, determine the nature and amount of the security to be given; and the security may, as the Magistrate thinks fit, be the deposit with the gas company, or with any person approved by the Magistrate, or the prepayment to the gas company, of a sum of money or any other security which the Magistrate thinks sufficient and reasonable; and the determination of the Magistrate shall be binding on all parties, and final: Provided that if the security be the deposit with the gas company of a sum of money, the gas company shall pay interest thereon to the consumer at such rate as the Magistrate shall determine. [Note to s. 15 applies.]

Penalty on gas company failing to provide pipes or supply of gas or meters.

17. If the gas company, not being entitled to require or not having required any security, wilfully fail for seven days after being thereunto required in writing by the consumer, or where the security agreed on or determined by the Magistrate is given, shall

willfully fail for fourteen days thereafter to provide and lay all proper and sufficient communication, service, and other pipes, or to furnish a supply of gas, or to furnish any meter, pursuant to the provisions of this Act, then and in every such case the gas company shall, on a summary conviction before a Magistrate, forfeit and pay to the consumer not exceeding forty shillings for every day after the expiration of seven or fourteen days respectively during which the failure continues. [*Amended by the Gasworks Clauses Act 1871, s. 2; but see 38 & 39 Vict. c. cc. s. 3.*]

18. Provided, that every private consumer shall, if so required in writing by the gas company, consume the gas by meter, but any consumer may, if he thinks fit, provide his own meter.

Gas to be consumed by meter, if required by companies.

19. Subject to the provisions of this Act, every gas company, from time to time, may enter into any contract with any owner, occupier, or local authority for all or any of the following purposes; that is to say, for supplying him or them with gas, and with pipes, burners, meters, lamps, lamp posts, and other apparatus, and for the repair and cleansing and for the lighting and extinguishing thereof, in such manner and on such terms and conditions as the parties agree.

Gas companies may contract for supply.

20. Provided, that, notwithstanding its being required by any Act of Parliament or otherwise that the gas company's contracts shall be under seal, every contract of the gas company entered into in accordance with this Act shall without seal be binding on them, if the contract be signed by at least two of their directors, or by their secretary or other officer, by the authority of at least two of their directors.

Contracts valid though not under seal.

21. Provided, that no contract for any of those purposes shall contain any term or condition contrary to any of the provisions of this Act, or for giving in case of difference the sole arbitrament thereon to the gas company or any officer or person who is or has been employed by them, or who may have a pecuniary interest in such company, or for requiring any notice by a consumer discontinuing his supply of gas or meter which shall make him liable to pay more than one month's rate or meter rent after the time of the service of the notice, or which shall entitle the gas company, except for breach of any of the provisions of this Act, to discontinue any supply of gas by less than one month's notice in writing to the consumer, unless the rate due for gas shall be in arrear, in which case three days notice in writing to the consumer shall be sufficient.

Restrictions on contracts with gas companies.

22. The gas company shall well and effectually light all public lamps in all streets which they are required by the local authority to light, and shall, according to the terms of their contract, supply to the local authority so much gas as they require for their public lamps; provided that the gas company shall not be compelled to light any street with lamps at a greater distance from each other than seventy-five yards. [*See also 31 & 32 Vict. c. cxxv. ss. 85 and 86.*]

Gas companies to light streets when required by local authority.

23. The local authority may provide and keep in repair their own public lamp posts and lamps, and apparatus connected therewith, and in case of their electing to burn by meter, light and extinguish the lamps, and defray the expenses thereof. [*See 18 & 19 Vict. c. 102, ss. 130 and 206; and 25 & 26 Vict. c. 102, s. 90.*]

Local authorities may provide lamp posts and lamps.

24. Every gas company shall, unless prevented by necessary repairs or unavoidable accident, at all times keep all their branch or service pipes fully charged with gas, and the stopcocks so turned

Service pipes to be fully charged with gas.

as not to prevent the branch or service pipes from being at all times filled with gas.

25—34. [*As to illuminating power, purity, and gas examiners. Note to ss. 7—12 applies.*]

Limit of charge for gas and meters.

35. . . . No gas company shall . . . demand or take for any gas or five-light meter supplied by them any sum of money exceeding the rate or meter rent by this Act authorized. [*Words omitted ("after the 31st Dec. 1860," and saving for existing contracts) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

36. [*Determination of existing contracts. Rep. 38 & 39 Vict. c. 66 (S.L.R.) ; and 55 & 56 Vict. c. 19 (S.L.R.).*]

37. [*As to charge for public lamps. Note to ss. 7—12 applies.*]

Difference to be settled by arbitration.

38. If any difference arise between the local authority and the gas company with respect to . . . the rate to be charged for gas supplied or for lighting any public lamp, the difference shall be referred to and be determined by arbitration in the manner prescribed by the "Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration. [*Rep. (as to Commercial and Gaslight & Coke Companies) 38 & 39 Vict. c. cc. s. 3, and 39 & 40 Vict. c. cxxxv. s. 8 ; as regards the South Metropolitan Gas Company, the words "Lands Clauses Consolidation Act, 1845" substituted for "Companies Clauses Consolidation Act, 1845" 32 & 33 Vict. c. cxxx. s. 69. Part omitted (as to difference with respect to alteration of test) superseded by the Gaslight & Coke and other Gas Companies Amendment Act 1880, s. 6.*]

Incoming tenant not to pay arrears of outgoing tenant, unless by express agreement.

39. In case any consumer leave the premises where gas was supplied to him without paying to the gas company the rate or meter rent due from him, the gas company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears ; but the gas company shall, notwithstanding any such arrears, in the absence of collusion between the outgoing and incoming tenant, supply gas to the incoming tenant, as required by this Act, on being required by him so to do.

40—41. [*As to appeal to Home Secretary on rise of price of gas—Home Secretary to issue form of accounts to be filled up by gas companies. Note to ss. 7—12 applies.*]

Gas companies to cause maps of their districts to be made.

42. Every gas company shall within one year after the passing of this Act cause a map to be made of the district within which their mains or district mains then lie, on a scale not less than six inches to a mile, and shall cause to be marked thereon the line of all their then existing mains and district mains, and shall once in every year correct such map and make such additions thereto as will show the line of all their then mains and district mains as aforesaid. [*Rep. (as to Commercial Company) 38 & 39 Vict. c. cc. s. 3. See ibid. s. 70 ; and (as to Gaslight & Coke Company) 39 & 40 Vict. c. cxxxv, s. 8. See also the City of London Gas Act 1868, s. 88.*]

As to deposit and inspection of the maps ;

43. Every map, or a copy thereof, so made by or for each company, with the date expressed thereon of the last time when it was so corrected, shall be deposited, certified by their secretary or clerk by writing under his hand to be a true copy thereof, with the respective clerks of the peace for the counties in which such mains lie, and who are hereby required to receive and keep in safe custody the same ; and such maps so deposited shall at all reasonable times

be open to the inspection of all local authorities and consumers, and their respective agents, and they respectively may take copies of or extracts from the same; and every gas company wilfully failing to comply with any of the requirements of this Act with respect to maps, and every person having charge of such maps who shall refuse to allow any person to inspect and take copies of or extracts from such maps, shall for every such offence forfeit a sum not exceeding ten pounds. [*Note to s. 38 (as to repeal) applies.*]

44. Every clerk of the peace with whom any map shall be deposited under the provisions of this Act may charge and take the sum of one shilling for every inspection of such map, and the further sum of two shillings and sixpence for every extract from or copy taken of such map. [*Note to s. 38 (as to repeal) applies.*]

Charge for inspection of map.

45. If and whenever it appears to the Secretary of State that any of the provisions of this Act have been violated or not complied with on the part of any gas company, or that the gas company are acting in a manner unauthorized by law, and if it appear to him that it would be for the public advantage that the gas company should be restrained from so acting, or compelled to do any act for remedying the wrongful act done by them, the Secretary of State may certify the same in writing to Her Majesty's Attorney General, and thereupon he, if he be so advised, shall proceed by information, bill, or action, or other such proceeding at law or in equity, as the case requires, to restrain the wrongful acting or to compel the doing of the acts for remedying the wrongful acts; provided always, that the Secretary of State shall not give the certificate at a period exceeding one year after the committing of the offence specified in the certificate. [*Note to s. 6 applies.*]

Secretary of State may direct proceedings by the Attorney General against gas companies.

46. Every penalty imposed by this Act, the recovery and application of which is not otherwise specially provided for by this Act, shall be recovered on summary conviction before a Magistrate, and be enforced, accounted for, and paid to the receiver of the metropolitan police district, and shall be apportioned in the same manner as penalties or fines, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are by the Act of the third year of Her present Majesty, for regulating police courts in the metropolis, directed to be recovered, enforced, accounted for, paid, and applied; and every order or conviction of any Magistrate in respect of any such penalty shall be subject to the like appeal, and upon the same terms, as is by that Act provided in respect of any order or conviction of any Magistrate; and every Magistrate by whom any order of conviction is made under this Act shall have the same power of binding over the witnesses examined, and the witnesses shall be entitled to the same allowance of expenses, as they would be entitled to in case the order, conviction, and appeal were made under that Act.

Recovery and application of penalties.

47. Every Magistrate shall, for the purposes of this Act, have full jurisdiction and full powers and authorities over the parties respectively, and with respect to making orders on the parties respectively, and otherwise, and as to costs, and may issue every such summons, warrant, and other process, and may take such other proceedings as he thinks requisite; and the service of any summons, notice, order, or other process in the matter on such person, or in such manner as a Magistrate directs, shall be good service thereof; and every Magistrate may proceed singly in the execution of this Act in such manner as he thinks proper.

Jurisdiction of Magistrates for purposes of Act.

For the
protection
of water
companies.

48. Nothing in this Act contained shall extend or be construed to extend to authorize or empower any gas company to interfere with or abridge any of the rights or privileges of any company established for the supply of water to the inhabitants of any parish or place within the metropolis; and every gas company shall be answerable for any damage, spoil, injury, or mischief which shall be done to any of the pipes, works, or property of any such water company, or which shall or may be sustained by such water company by reason or in consequence of any act, matter, or thing to be done or executed by such gas company, or any of their servants, agents, or workmen.

For laying
pipes to
convey gas.

49. Whenever any gas company, or their servants, agents, or workmen, shall dig or sink any trench for laying any new mains or pipes, other than service pipes, for the conveyance of gas or other apparatus near to which any pipe belonging to any water company for conveying water, or any branch or service pipe for the supply of water to any dwelling house or buildings, shall be laid, such gas company, their servants, agents, or workmen, shall give four hours previous notice thereof in writing to the manager or chief clerk, or secretary or engineer, of such water company, such notice to be delivered at the principal office of the company between the hours of ten in the morning and four in the afternoon, and shall, under the inspection of the manager or chief clerk, secretary or engineer for the time being of such water company, protect and secure every such water pipe from any injury, and shall also repair any damage that shall be done to such pipe, and in default of repairing such damage the gas company shall for each such default forfeit and pay to the secretary for the time being of such water company, for the use of the said water company, any sum not exceeding five pounds, and also the costs and expenses which shall have been incurred by the said water company in protecting and securing any such water pipe, or in repairing or making good any injury that may have been done thereto by the means aforesaid, such costs and expenses to be ascertained by any Justice, and to be recovered in the same manner as any expenses or penalty under this Act may be recovered. [*See 18 & 19 Vict. c. 120, ss. 109—112 and notes thereon.*]

Mode of
laying pipes.

50. All pipes hereafter to be laid by any gas company for the conveyance of gas shall be laid at the greatest practicable distance from the nearest part of any pipe then laid down by or by order of any water company for the conveyance of water, and wherever the width of the carriageway or footpath will allow thereof shall be laid at the distance of four feet at least from the nearest part of any such water pipe, unless in cases where it shall be unavoidably necessary to lay the gas pipe across or nearer to any water pipe, in which case the said gas pipe shall, wherever practicable, be laid over and above the said water pipe at the greatest practicable distance therefrom, and shall form therewith a right angle, or as near thereto as the situation will admit; and in every such case the said gas pipe so crossing the said water pipe shall be at least nine feet in length, so that no joint of any gas pipe shall be nearer to any water pipe than four feet at the least, where the width of the road, street, square, market place, lane, alley, passage, court, or other place will admit; and every such gas pipe so crossing the water pipe shall for the whole length thereof be sufficiently bedded in with good sound clay or other fit materials of a proper consistence, and well worked and rammed into the trench all round the said gas pipe, and in laying

down any such gas pipe the gas company shall use such joints as are for the time being of the most improved description for preventing the leakage of gas, and shall in no case join two or more gas pipes together previous to their being laid in the trench, but shall lay each pipe as near as may be in its place in the trench, and shall in such trench properly form the jointing with the other pipes to be added thereto with proper and sufficient materials, and shall also, wherever practicable, lay and well and sufficiently bed each joint of the main gas pipes and also the joints or screws of the branch or service gas pipes connecting with the main gas pipes, and also the joints of the service or branch pipes for conveying the gas from the main gas pipes to the houses and other buildings, and all other joints, inlets, apertures, or openings which are or shall or may be made in any of the main gas pipes belonging to the gas company, in such manner and of such material as shall, as far as reasonably practicable, prevent leakage.

51. Whenever the water which shall be supplied by any water company shall be contaminated or affected in any way whatsoever by the gas of any gas company, such gas company shall, within twenty-four hours next after notice thereof in writing, signed by any one of the directors, or by the secretary for the time being of such water company, or by any person using the water of such water company, and left at the office of such gas company, cause measures to be taken effectually to prevent such gas from contaminating or affecting the water of such water company; and in case such gas company shall not within forty-eight hours next after any such notice so left as aforesaid use all reasonable means to effectually remove the cause of such complaint, and prevent all such contamination whereof notice shall be given as aforesaid, then and in every such case such gas company shall on each complaint whereof notice shall be given as aforesaid forfeit and pay to the secretary of such water company, for the use of such water company, the sum not exceeding ten pounds for each day during which the water supplied by such water company shall remain contaminated or affected by the gas of such gas company; and every such penalty or forfeiture may be recovered for the use of such water company in the same manner as any other penalty or forfeiture imposed by this Act may be levied and recovered. [*See 54 & 55 Vict. c. 76, ss. 52 and 53.*]

To prevent further contamination of water by gas.

52. And whereas it may become a question upon such complaint as aforesaid whether or not the water supplied by any water company within the metropolis be contaminated or affected by the gas of the gas company: Be it enacted, that in every such case it shall be lawful for any such water company to dig to and about and to search and examine the mains, pipes, conduits, and apparatus of the gas company adjacent to the pipes of such water company for the purpose of ascertaining whether or not such contamination proceed or be occasioned by the gas of such gas company, giving twenty-four hours previous notice in writing, signed by one of the directors or by the secretary for the time being of such water company, and left at the head office of such gas company, of the intention of such water company so to dig, search, and examine as aforesaid, and of the time and place or places when and where such digging, search, and examination is intended to be made; and if it shall appear that the said water has been contaminated, and that there has been any escape of gas whereby such contamination has been produced, then

For ascertaining if the water is contaminated.

and in every such case the costs and expenses of the said digging, search, and examination, and of the repair of the street, road, or place which shall be taken up or disturbed, shall be borne and paid by such gas company, which costs and expenses shall be ascertained and determined if necessary by any Justice, and may be levied and recovered in the same manner as any penalty or forfeiture imposed by this Act may be levied and recovered: Provided always, that if upon such examination it shall appear that such contamination has not arisen from any escape of gas from any of the mains, pipes, or conduits of the gas company to which such notice shall have been given, then and in every such case the water company by whom or on whose behalf such examination and search shall have been made shall bear and pay all the costs, charges, and expenses of and incident to such examination and search, and shall also make good to such gas company any damage which may be occasioned to their mains, pipes, conduits, or apparatus by such search, and also any injury or damage which may be done in or about any of the streets, roads, or places which shall be broken up or disturbed in such search, the amount of such damage to be ascertained and determined if necessary by any Justice, and to be levied and recovered in the same manner as any penalty or forfeiture under this Act may be levied and recovered.

Appropriation of penalties in the city of London.

53. All penalties or sums of money ordered and adjudged within the city of London and the liberties thereof to be paid under this Act, and not otherwise appropriated, shall be payable to the chamberlain of the city of London, in aid of the expenses of the police of the said city.

Saving rights of Metropolitan Board of Works, vestries, and others.

54. Nothing in this Act contained shall avoid, prejudice, or impair any of the powers now exercised by or vested in the Metropolitan Board of Works,* or in the Commissioners of Sewers of the City of London† and the liberties thereof, or any powers now vested in any local authority within the metropolis, or any powers now exercised or possessed in respect of the manufacture or supply of gas within the metropolis by any railway company, or by any other person or persons making or supplying gas for his or their own use, and not making or supplying gas to the public as a trade or business: Provided that if the said local authority shall refuse or delay their consent to any company to lay down mains or pipes in accordance with the provisions of this Act, it shall be lawful for the said Secretary of State under his hand to authorize the same to be laid down without such consent; and after the date of the application by such company to the said Secretary of State for such consent no penalty shall be incurred by any default of such company, so far as it is occasioned by such refusal only. [*Note to s. 6 applies.*]

Saving general jurisdiction of courts of law and equity.

55. Provided, that no special remedy or provision for giving relief to any person given by this Act shall prejudice or diminish the general jurisdiction of any of Her Majesty's superior Courts of Law or Equity over or with respect to the acts or defaults in respect of which the special remedies or provisions are so given.

56. [*Expenses of Act. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

57. [*Expenses of local authorities under the Act. Superseded (as to London County Council, as successor to the Metropolitan Board*

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the Common Council of the City of London. See the City of London Sewers Act 1897.

of Works) 51 & 52 Vict. c. 41, part iv. : and (as to metropolitan borough councils, as successors to vestries and district boards) 62 & 63 Vict. c. 14, s. 10.]

SCHEDULE to which Fifth Section of the foregoing Act refers.

Name of Gas Company.	Special Act or Instrument of Incorporation.	District.
The Crystal Palace District Gas Company.*	The Crystal Palace District Gas Company's Act, 1858.	The district defined by their said special Act.
The Woolwich, Plumstead, and Charlton Consumers Gas Company.†	The Woolwich, Plumstead, and Charlton Consumers Gas Act, 1855.	The district defined by their said special Act.
The Woolwich Equitable Gaslight and Coke Company.‡	The Woolwich Equitable Gas Company's Act, 1855.	The district defined by their said special Act.
The Wandsworth and Putney Gaslight and Coke Company.	The Wandsworth and Putney Gas Act, 1856.	The district defined by their said special Act.
The Brentford Gas Company.	The Brentford Gas Act, 1858.	The district now actually supplied by the company.
The Victoria Docks Gas Company.‡	The Victoria Docks Gas Act, 1857.	The district defined by their said special Act.
The Eltham Gaslight and Coke Company, Limited.	Articles of Association under the Joint Stock Company's Act, 1856.	The parish of Eltham.
The West Ham Gas Company.	The West Ham Gas Company's Act, 1856.	The district defined by their said special Act.
Mitcham, Merton, and Tooting Gas Company.	Articles of Association under 7 & 8 Victoria, cap. 110.	The parishes and villages of and adjacent to Mitcham, Merton, and Tooting.

24 & 25 VICTORIA. A.D 1861.

CHAPTER 124.

AN ACT FOR AMENDING THE LAW RELATING TO THE RECEIVER FOR THE METROPOLITAN POLICE DISTRICT : AND FOR OTHER PURPOSES. [6th August 1861.]

[Preamble (reciting 10 Geo. 4. c. 44) *rep.* 55 & 56 Vict. c. 19 (S.L.R.).]

1. The person for the time being holding the office of Receiver for the metropolitan police district shall be a corporation sole, by the name of "the Receiver for the Metropolitan Police District," and by that name shall have perpetual succession, with a capacity by his official name to acquire and hold lands, to hold stock in the public funds, shares in any public company, securities for monies, and personal property of every description, to sue and be sued, to execute deeds, using an official seal, to make leases, to enter into engagements binding on himself and his successors in office, and to do all other acts necessary or expedient to be done in the execution of the duties of his office.

Receiver constituted a corporation sole.

2. [Transfer to the Receiver of property vested in previous receivers. Spent.]

* Now the South Suburban Gas Company. See the South Suburban Gas Act 1904, s. 3.

† Amalgamated with the South Metropolitan Gaslight & Coke Company by an Order in Council in 1884 made under the South Metropolitan Gaslight & Coke Company's Act 1876, s. 64.

‡ Amalgamated with the Gaslight & Coke Company by the Gaslight & Coke Company's Act 1870.

Exoneration
of Receiver of
metropolitan
police
district.

3. The Receiver for the time being for the metropolitan police district, herein-after referred to as the Receiver, shall not be personally liable for any debt incurred or engagement entered into by him by his official name in his official capacity, but all such debts and engagements shall be satisfied out of the monies for the time being received by him in his official capacity.

Alteration of
name of ac-
count at Bank
of England.

4. The name of the Receiver for the time being shall not . . . be inserted in the official account kept by him with . . . the Bank of England. [*Words omitted ("after the passing of this Act" and "the Governor and Company of") rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

Power of
Receiver to
purchase, etc.

5. The Receiver may, by the direction of one of Her Majesty's principal Secretaries of State, transfer, demise, enfranchise, mortgage, or otherwise dispose of property of any tenure vested in him in his official capacity, and may purchase, take, or lease property of any tenure required for the purposes of the Metropolitan Police Force or other the purposes of his office. [*Rep. (so far as it relates to any police court) 34 & 35 Vict. c. 35,* s. 5.*]

Repeal of
part of
sect. 25 of
10 G. 4. c. 44,
and enact-
ment of new
provisions in
lieu thereof.

6. [*Pensions and allowances to widows and children of constables killed in execution of their duties. Rep. 53 & 54 Vict. c. 45, s. 36.*]

7. . . . [*Repeal of 10 Geo. 4, c. 44, s. 25 in part.*] The overseers shall pay into the Bank of England, to the account of the Receiver of the Metropolitan Police, the amount mentioned in the warrant[†] within the time specified for that purpose, and . . . the certificate of the bank, signed by one of their cashiers, specifying the amount paid into the bank, shall be a sufficient discharge to the overseers for such amount, and shall be allowed as such in passing their accounts with their respective parishes, townships, precincts, or places. [*Parts omitted rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

Payment of
monies into
the bank.

8. In addition to the sums hereby directed to be paid by the overseers all other sums from time to time accruing payable to the Receiver shall be paid into the Bank of England to the account of the Receiver of the Metropolitan Police, and the certificate of the bank, signed by one of their cashiers, specifying the amount paid into the bank, shall be a sufficient discharge to the persons paying the same.

This and
previous Acts
to be con-
strued as one.

9. This Act, so far as is not inconsistent with the purposes thereof, shall be construed as one with the said Act of the tenth year of King George the Fourth, chapter forty-four, and the other Acts relating to the Metropolitan Police Force.

10. [*Short title. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

CHAPTER CXVII.

AN ACT TO INCORPORATE A COMPANY FOR MAKING A NEW BRIDGE FROM LAMBETH TO WESTMINSTER. [11th July 1861.]

[*Preamble recites 6 & 7 Wm. 4, c. cxxxiv., and 1 & 2 Vict. c. lxxvii., and that the same had never been put into execution, and that the powers conferred thereby had expired.*]

Short title.

1. This Act may be cited for all purposes as "The Lambeth Bridge Act, 1861."

* Rep. 60 & 61 Vict. c. 26, s. 9.

† See 10 Geo. 4, c. 44, s. 23.

2. [*Incorporation of Lands Clauses and Companies Clauses Acts. Spent.*]

3—15. [*Incorporation of Lambeth Bridge Company, with an authorized capital of £40,000—Provisions as to finance and directors. Spent. See 40 & 41 Vict. c. xcix.*]

16—17. [*Power to take lands—Time for compulsory purchase limited to two years. Spent.*]

18. The works which the Company are by this Act authorized to execute are as follows : (that is to say,) a good and substantial bridge for carriages, carts, horses, and passengers across the River Thames, with approaches thereto, and with all convenient and necessary abutments, piers, landing stairs, and works, to commence in the parish of Saint Mary Lambeth in the county of Surrey,* in Church Street near the south-western extremity of the churchyard of the parish church of Saint Mary Lambeth, and to terminate in the parish of Saint John the Evangelist within the city and liberty of Westminster in the county of Middlesex,* in Market Street near the junction therewith of Grub Street.

Works authorized to be executed.

19. The Company shall make and maintain on each side of the bridge a good and sufficient fence of not less height than four feet.

Fence to bridge.

20. For the purposes of the works the Company from time to time may, within the limits of deviation defined on the said plans, dig and make proper foundations in the river and on the lands on each side thereof, and make dams in the river during the making or repairing of the bridge, and cut, level, embank, and scour the banks of the river, and cut, remove, scour, take, and carry away all trees, roots of trees, beds of gravel, sand, mud, and other impediments, and execute all other works necessary or convenient for building, maintaining, and repairing the bridge, and the approaches to communicate with the bridge, on each side of the river.

Incidental works.

21. [*For the protection of Lambeth Palace and St. Mary Lambeth Church. Spent.*]

22—23. [*Bridge to be made according to plans approved by the Thames Conservators. Spent.*]

24. The Company shall not take any gravel, soil, or other material from the bed of the River Thames without the previous consent of the Conservators of the River Thames in writing under the hand of their secretary. [*See also 57 & 58 Vict. c. clxxxvii. s. 67 (see Appendix).*]

Company not to take material from river without consent of Conservators.

25—26. [*Plans of bridge to be approved by Admiralty—Mode of construction of bridge. Spent.*]

27. During the construction of the bridge and works connected therewith, the Company shall hang out or exhibit thereat or near thereto, and for ever after the completion of the bridge the Company shall hang out or exhibit upon the bridge and works respectively every night, from sunset to sunrise, lights to be kept burning by and at the expense of the Company, and proper and sufficient for the navigation and safe guidance of vessels, and the lights shall be from time to time altered by the Company in such manner and be of such kind and number, and be so placed as the Conservators of the River Thames shall by writing under the hand of their secretary approve of : and in case the Company shall neglect to exhibit and

Lights to be kept burning on bridge.

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40.

keep the lights burning as aforesaid, they shall forfeit and pay for every such offence the sum of ten pounds.

Steps to be constructed at both ends of bridge.

28. A flight of steps shall be constructed and ever after be maintained in good repair by and at the cost of the Company at each side of the bridge and at both ends of the bridge, except the Admiralty shall think proper to dispense with one or any of such flights of steps, and each flight shall not be less than twenty feet wide and be free to the public.

If public stairs shut up, Company to erect others.

29. Whenever the Company shall shut up, remove, or take away, or in any manner obstruct the free use and enjoyment of any existing public stairs or landing place, they shall forthwith cause some equally convenient free public stairs or landing place to be erected or provided in the place or stead of the stairs or landing place so shut up, removed, or taken away, or the free use and enjoyment of which may be in any manner obstructed.

30. [*Company to invest £1,000 before bridge commenced. Spent.*]

31. [*Admiralty may order local survey. Superseded 57 & 58 Vict. c. clxxxvii. s. 183.*]

Admiralty or Conservators may remove abandoned works at expense of Company.

32. If any work to be constructed by the Company in, under, over, through, or across the River Thames, or if any portion of any work which affects or may affect any such river or access thereto, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Lord High Admiral* or the Commissioners for executing the office of Lord High Admiral,* or for the Conservators of the River Thames, to abate and remove the same, or such part or parts thereof as he or they may at any time or times deem fit and proper, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown or the said Conservators, and if not paid upon demand may be recovered as a debt due to the Crown or the said Conservators, with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

33. [*Saving the rights of the Thames Conservancy.*]

34. [*Protection of sewers as regards intended works. Semble spent.*]

35. [*Period for completion of works limited to four years. Spent.*]

36—50. [*Provisions as to tolls. Superseded 40 & 41 Vict. c. xcix. s. 16.*]

51—52. [*As to offences committed on bridge or approaches and as to damaging bridge. Superseded by 45 Vict. c. lvi. s. 41, and 55 & 56 Vict. c. cxxxviii. s. 40. See also the Malicious Damage Act 1861, ss. 33 and 51.*]

Barge owners answerable for damage done by their servants.

53. If and whenever any person having the care of any boat, barge, or other vessel navigated on the river, wilfully, carelessly, or negligently causes or suffers any damage or injury to be done by the vessel to the bridge, the owner of the vessel shall be liable to make satisfaction to the Company for all such damage or injury.

54—56. [*Further provisions as to tolls. Spent.*]

Recovery and application of penalties.

11 & 12 Vict. c. 43.

57. All offences under this Act, and all penalties, damages, charges, tolls, and costs imposed or payable under this Act, may be recovered in a summary manner under the provisions of the Act of the session of the eleventh and twelfth years of Her present

* Now the Board of Trade. See the Harbours Transfer Act 1862, s. 8.

Majesty, chapter forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of the Sessions within England and Wales with respect to summary Convictions and Orders," and all such penalties shall be paid to the Company, except so far as the convicting Justices award not more than one half thereof to the informer. [*See also 2 & 3 Vict. c. 71, s. 34.*]

58—61. [*As to service of notices by the Company—Company's accounts—Appropriation of tolls and expenses of obtaining Act. Spent; and see 40 & 41 Vict. c. xcix.*]

25 & 26 VICTORIA. A.D. 1862.

CHAPTER 93.

AN ACT FOR EMBANKING THE NORTH SIDE OF THE RIVER THAMES FROM WESTMINSTER BRIDGE TO BLACKFRIARS BRIDGE, AND FOR MAKING NEW STREETS IN AND NEAR THERE TO.

[*7th August 1862.*]

[*Preamble recites 20 & 21 Vict. c. cxlvii.*; 21 & 22 Vict. c. 104; and 24 & 25 Vict. c. 42.†*]

1. [*Incorporation of Lands Clauses Acts. Spent.*]

2. This Act may for all purposes be cited as "The Thames Short title. Embankment Act, 1862."

3. The following words and expressions in this Act have for the purposes of this Act the following meanings, unless excluded by the subject or context; (to wit.) Interpretation of terms.

"The Board" means the Metropolitan Board of Works‡ constituted by and acting under the statute, eighteenth and nineteenth Victoria, chapter one hundred and twenty, for the better local management of the Metropolis :

"The Conservators" means the Conservators of the River Thames :

"The herein-before recited Act" means "The London Coal and Wine Duties Continuance Act, 1861 : " §

The word "Justice" shall, in relation to any lands or to the purchase or taking by the Board of any lands situated within the city of London or the liberties thereof, mean the Lord Mayor or any Alderman or the Recorder of the city of London, and shall, in relation to any lands or to the purchase or taking by the Board of any lands situated not within the city of London or the liberties thereof, but within the county of Middlesex,|| mean a Justice of the Peace acting in or for the county of Middlesex : ||

The word "street" shall include any square, street, highway, road, lane, footway, thoroughfare, or public place, court, alley, or passage, whether a thoroughfare or not, and a part

* Rep. 57 & 58 Vict. c. clxxxvii. (see Appendix).

† Rep. 55 & 56 Vict. c. 19 (S.L.R.).

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

§ Rep. 55 & 56 Vict. c. 19 (S.L.R.).

|| Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

of any such square, street, highway, road, lane, footway, thoroughfare, or public place, court, alley, or passage.

[*Parts omitted (definitions of "the Treasury," "the Admiralty," "the Thames Embankment and Metropolis Improvement Fund," and the meaning of "sheriff" in the Land Clauses Acts incorporated) spent.*]

4. [*Words defined in the Lands Clauses Acts to have the same meanings in this Act.*]

5. [*As to deposit of plans with the Clerks of the Peace for the City of London, for Westminster, and for Middlesex, and inspection of same.*]

6. [*Power to make works according to deposited plans. Spent.*]

7. [*Board to appoint committee to execute Act. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

Works
authorized.

8. The improvements and works by this Act authorized comprise the following; (to wit,)

1. The making and maintaining an embankment and viaduct on the left bank of the River Thames, with all necessary and convenient walls, piers, arches, culverts, drains, quays, wharves, barge beds, basins, landing places, stairs, waterways, approaches, and other conveniences and works, such embankment to commence at the northern side of the Middlesex end of Westminster Bridge, and to terminate at or near the eastern boundary of the Inner Temple, and such viaduct to commence at the eastern boundary of the Inner Temple and to terminate near to the western side of the northern end of Blackfriars Bridge; the said embankment and viaduct respectively to be constructed in whole or in the greater part upon the bed or foreshore of the River Thames, and the site of which embankment and viaduct will be within the parishes, liberties, extra-parochial and other places following, or some of them: (that is to say,) Saint Margaret Westminster, Saint Martin in the Fields, Saint Clement Dane, Saint Mary le Strand, Saint John the Baptist, and the Savoy or precinct of the Savoy, all in the county of Middlesex,* and the Middle Temple and the Inner Temple, the precinct of Whitefriars, Saint Bridget otherwise Saint Bride, the precinct of Bridewell, and the parish or precinct of Saint Ann Blackfriars, all in the city of London or county of Middlesex:*
2. The making upon the said embankment and viaduct a public roadway one hundred feet wide up to the eastern boundary of the Inner Temple, and not less than seventy feet wide thence to Chatham Place, with all necessary approaches to the said roadway:
3. The making of an approach road of an uniform width of not less than forty feet, and on a gradient not steeper in any part thereof than one in thirty, leading from and out of such embankment roadway, and communicating by means of approaches with each of the streets following; namely, Surrey Street, Norfolk Street, and Arundel Street; and which last-mentioned approach road and approaches will be in the parish of Saint Clement Dane in the city of Westminster, each of which approaches shall be formed on a gradient not

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

steeper in any part thereof than one in thirty, and of a width not less than the width of the street with which the same shall so communicate as aforesaid :

4. The making a new street which shall commence from and out of the said embankment and roadway at or near the east side of the Middlesex end of Hungerford Bridge in the parish of Saint Martin in the Fields, and shall pass on, over, and through divers streets, wharves, lands, and places in the parishes of Saint Martin in the Fields, Saint Clement Dane, and the precinct of the Savoy, and shall terminate in Wellington Street, Waterloo Bridge, in the precinct of the Savoy, opposite to the northern wing of the western front of Somerset House, with all necessary approaches to such new street ; and also several short streets or communications, each to commence from and out of such last-mentioned new street, and respectively to communicate with and terminate in Villiers Street and Buckingham Street in the parish of Saint Martin in the Fields, and Cecil Street in the parishes of Saint Martin in the Fields and Saint Clement Dane, or one of them :
5. The making a new street which shall commence by a junction with the intended new street fourthly herein described at or near to George Street in the Adelphi, and shall terminate in and by a junction with Whitehall Place at the east end thereof, all in the parish of Saint Martin in the Fields :
6. The making a new street which shall commence from and out of the said embankment and roadway at or near a place called Whitehall Stairs, and shall pass thence through Whitehall Yard, and shall terminate in the street known as Whitehall, opposite to the Horse Guards, all in the parishes of Saint Margaret Westminster and Saint Martin in the Fields :
7. The reclaiming and inclosing all or so much of the bed or foreshore of the River Thames as shall lie between the present left bank of such river and the said intended embankment.

[Amended 31 & 32 Vict. c. cxi. s. 4.]

9. [*Certain lands not to be taken without consent. Spent.*]

10. [*Provisions of this Act as to Thames Embankment and Metropolis Improvement Fund applied to further works. Spent See 32 & 33 Vict. c. 102, ss. 30 and 50.*]

11—18. [*Powers to the Board to set out footways and to deviate—Time for compulsory purchases of land limited to 5 years—Powers to fill up bed of the Thames, to remove stairs, piles, etc., to purchase lands and extinguish rights and claims to the bed of the Thames—Soil to form the Embankment may be raised from the Thames by the Conservators—Power to Board to take places for depositing materials—Approval of certain works by the Admiralty. Spent.*]

19—20. [*Stairs, quays, etc., authorized by the Act to be approved by the Conservators—Lights to be exhibited at night during works. Spent.*]

21. Whenever the Board shall shut up, remove, or take away, or in any manner obstruct the free use and enjoyment of any existing piers, public stairs, or landing place now marked by the Watermen's Company, they shall cause some pier, public stairs, or landing place to be erected or provided, to the satisfaction of the Conservators, in the stead of the pier, stairs, or landing place so

Piers and stairs to be provided in lieu of those taken away.

shut up, removed, or taken away, or the free use and enjoyment of which may be obstructed; and every such substituted pier shall, so soon as the same shall be completed, be and hereby is vested in the Conservators, and subject in their hands to all the powers and provisions applicable thereto of "The Thames Conservancy Act, 1857." *

Embankment
to be kept in
repair.

22. From and after the completion of the embankment and viaduct by this Act authorized the Board shall, out of the rates raised for defraying the expenses of the Board under the Act eighteen and nineteen Victoria, chapter one hundred and twenty, keep and maintain the same respectively and every part thereof in proper repair; and if the embankment or viaduct or any portion thereof or any of the works connected therewith be out of repair or insecure, so as to be dangerous to any person passing along the River Thames, or to any vessel either moored alongside of or passing by the same respectively, or be in any manner injurious or likely to be injurious to the River Thames or to the free navigation thereof, the Conservators may, by notice in writing to the Board, require them to repair the embankment or viaduct, or the portion thereof or the works connected therewith so out of repair or insecure as aforesaid, to the reasonable satisfaction in all respects of the surveyor from time to time of the Conservators, within a time to be limited in such notice; and in case the Board refuse or fail to repair the embankment or viaduct, or such portion thereof, to the reasonable satisfaction in all respects of such surveyor, within the time to be limited as aforesaid, then and in every such case the Conservators may repair the same respectively, and may recover the expenses incurred thereby from the Board; provided that all the parts of the metropolis shall be deemed to be equally benefited by all sums expended by the Board for such maintenance and repair as aforesaid.

23—24. [*As to ascertaining compensation—Powers to take lands—Errors in book of reference. Spent.*]

Ground laid
into the
streets, etc.
to be used by
the public.

25. When the said roadway and new streets, and the approaches to the same respectively, shall be made and paved in pursuance of this Act, all the ground and lands which shall be laid open into the said roadway, or any of such new streets, or the approaches of the same respectively, shall form part of such roadway or new street, as the case may be, and shall, except as hereby otherwise expressly provided, be used by the public accordingly; and the same roadway, new streets, and approaches, and the sole power, authority, and duty of paving, repairing, cleansing, lighting, and watching thereof respectively, and of rating the lands and hereditaments situate and being within the same, shall be under the care, management, control, and jurisdiction of the same vestries,† board, district boards,† commissioners, or persons as the other streets in the wards, districts, parishes, or places in which the same respectively shall be situate. [*Amended 35 & 36 Vict. c. lxxvi. s. 3. See also 62 & 63 Vict. c. 14, s. 6 (2).*]

26. [*Reclaimed land to be dedicated to the public. Rep. 31 & 32 Vict. c. cxi. s. 25.*]

27. [*Power to grant land or easements in respect of loss of river frontage. Spent.*]

* Rep. and replaced by 57 & 58 Vict. c. clxxxvii (see Appendix.)

† Now the Councils of the Metropolitan Boroughs. See 62 & 63 Vict. c. 14, s. 4.]

28. No house or building shall be erected upon any part of the lands to be acquired or reclaimed as aforesaid situated between the River Thames and the gardens of the Societies of the Inner and Middle Temple respectively, other than any such porters or gardeners lodges, alcoves, or other buildings of a like nature, of only one floor each, as are from time to time, whether before or after the passing of this Act, approved by the First Commissioner of Her Majesty's Works and Public Buildings, by writing under his hand. [*Varied 38 & 39 Vict. c. clxxix. s. 30.*]

No house to be erected in front of the gardens of the Inner and Middle Temple.

29. Notwithstanding anything in this Act contained, the public roadway herein-before mentioned shall, so far as the same passes southward of the gardens of the Societies of the Inner and Middle Temples respectively, be constructed on an embankment, and all the land reclaimed and enclosed from the River Thames lying in front of the present southern boundary of the Inner and the Middle Temples, except so much as is occupied by the embankment and road thereon, shall for ever hereafter be the exclusive property, as to such land southward of the Inner Temple, of and be vested in the trustees for the Society of the Inner Temple, and as to the lands southward of the Middle Temple, of and be vested in the trustees for the Society of the Middle Temple, for an estate in fee simple absolute in possession, to and upon the like uses and trusts as the uses and trusts to and upon which the lands adjoining thereto of the societies respectively are from time to time held; and such lands, but not the embankment or road thereon, shall for all parochial purposes be within and part of the places called the Inner Temple and the Middle Temple respectively; and in order that so far as can be the two societies respectively and their respective property and rights shall be protected against being prejudicially affected by the execution of this Act, the Board from time to time may and shall take all such precautions, and make, execute, and do all such matters and things, in, upon, in connexion with, and near to the Temple land, and fulfil all such stipulations, as are before the passing of this Act specified, under the hand of the First Commissioner of Her Majesty's Works and Public Buildings; and the said Societies of the Inner Temple and Middle Temple shall not claim any damage or compensation in respect of the execution of the powers of this Act. [*See note (as to extra-parochial places) on 18 & 19 Vict. c. 120, s. 158.*]

As to the roadway, etc. connected with the Inner and Middle Temples.

30. The Board may and shall make for the two societies a landing place, with proper and sufficient works and conveniences connected therewith, in substitution for their present landing place at the end of Middle Temple Lane, and the same shall be used by the Inner Temple and the Middle Temple, and shall be held, enjoyed, and regulated by the two societies as their private landing place accordingly.

Board to erect landing stairs for the use of the Temples.

31. [*Saving the rights of the Temples.*]

32. As regards all lands which shall be purchased or otherwise acquired by the Board under the provisions of this Act, and which shall not be wanted for the purposes of the same (other than and except such lands as are by virtue of this Act reserved and excepted from the operation of this power of leasing, or are otherwise dealt with), it shall be lawful for the Board, subject to the provisions of this

Board may grant building leases of ground not wanted for purposes of this Act.

Board may
make agree-
ments for
leases and
accept sur-
renders of
leases, etc.

Act, when and as they shall think fit, by an indenture or indentures under their common seal, to demise and lease such ground and hereditaments, or such part thereof as they shall think it expedient to let on building leases, either together or in parcels, to any person or persons who shall erect and build or covenant and agree to erect and build thereon, or on any part or parts thereof, houses, erections, and buildings of such rate or class or respective rates or classes of buildings, upon such plan and elevation or respective plans and elevations, of such height or respective heights, and with such stories, as the Board shall think proper, for such number of years and under such conditions as they may think fit, and either at a rent or without any rent, but so that in every such demise or lease there be contained a covenant for the payment of the rent, if any shall be thereby reserved, and also such other covenants on the part of the tenant or lessee therein to be named as the Board shall reasonably require, and also a clause in the nature of a condition of re-entry on nonpayment of the rent (if any) thereby to be reserved, or on nonperformance of the covenants therein to be contained on the part of the tenant or lessee to be observed and performed, and that the lessee or lessees named in every such lease shall execute a counterpart thereof; and on the negotiation for any such lease the Board may, if they think fit, accept and take any fine for the granting thereof, and may enter into any agreement for the granting any lease or leases on such terms and conditions as they may think fit, and on the granting the leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved on such leases, and may apportion the same and grant separate leases of any part of the hereditaments by any such agreement agreed to be leased, as they may think fit; and may also, as they think fit, alter or rescind any agreement as aforesaid, and may accept any surrender of any lease granted, for the purpose of granting separate leases of the same premises at apportioned rents or under different covenants, or otherwise in all respects as the Board shall think fit; and further, any part of the said lands may be appropriated for squares, gardens, or open places, or for basins, docks, barge beds, or other works or conveniences as aforesaid, and any part thereof may be let for yards or courts to be attached to any houses, to be leased as the Board shall think fit.

Power to
Board to sell
the ground
rents and
reversions
comprised in
such lease.

33. As soon as conveniently may be, and either before or after the houses, erections, and buildings to be erected and built as lastly herein-before is mentioned, or any of them, shall be finished and completed, and either before or after such leases as last aforesaid shall have been granted, the Board shall and they are hereby authorized and required to sell and dispose of the ground rents to be reserved by the leases or demises in pursuance or in consideration of which the same houses or buildings respectively shall have been erected and built, or shall be agreed to be erected and built, and also the reversion and inheritance in fee simple in possession (subject to any such lease or demise or agreement) of the pieces or parcels of ground thereby demised or agreed to be demised, and such houses and other buildings thereon, either altogether or in parcels, by public auction or private contract, for such prices or sums of money as the Board shall think reasonable, and subject to such stipulations and

provisions as to the enjoyment thereof, and as to the nature of the buildings which are to be at all times erected and built thereon, and also subject to such stipulations as to the title to be produced to the hereditaments to be sold, as the Board shall think fit; and as regards any stipulations or provisions which may be contained in any such conveyance, the same may at all times thereafter be enforced in a Court of Equity by the Board for the benefit of the parties entitled to the other property adjoining or held under the same title, in such manner in all respects as the Board may think fit; and the Board shall at the costs and charges of the purchaser of the same premises respectively, upon payment of the sum or sums of money agreed to be given for the same respectively to the Board by any writing under their common seal convey and assure the piece or parcel of ground so purchased by such purchaser, together with the houses, erections, and buildings then erected and built or to be erected and built thereon respectively, and the fee simple and inheritance thereof, with the appurtenances, to such purchaser, his heirs and assigns, or as he or they shall in that behalf direct, free from all incumbrances (except the building lease or building leases or agreement or agreements to be granted thereof by virtue of this Act); and all conveyances and leases which shall be made as aforesaid pursuant to the authority hereby in the Board reposed shall be adjudged sufficient to vest such estate in the purchaser or lessee as shall have been agreed for, or shall be expressed or intended to be conveyed and granted by any such conveyance or lease. [*See 32 & 33 Vict. c. 102, ss. 44 and 45.*]

34. It shall be lawful for the Board to sell in manner and subject as aforesaid, and absolutely to grant and convey, any of the lands which shall be purchased or otherwise acquired by the Board as aforesaid, and which shall not be wanted for the purposes of this Act, and which they shall not think it expedient to let on building leases as aforesaid, (other than and always except such lands as by virtue of this Act are reserved and excepted from the operation of this power of sale, or are otherwise dealt with,) subject nevertheless to such stipulations and conditions as they may think fit, and thereupon the same shall be conveyed and assured by the Board as they shall think fit. [*Note to s. 33 applies.*]

Power to Board to sell any ground which may not be wanted for the purposes of this Act.

35. Before the Board dispose of any superfluous lands they shall first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed, and if any such person be desirous of purchasing such lands then within six weeks after such offer of sale he shall signify his desire in that behalf to the Board, or if he decline such offer, or if for six weeks he neglect to signify his desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease, and a declaration in writing made before a Justice by some person not interested in the matter in question stating that such offer was made and was refused, or not accepted within six weeks from the time of making the same, shall in all courts be sufficient evidence of the facts therein stated. [*Varied by 26 & 27 Vict. c. 45, s. 21.*]

Superfluous lands before sale to be offered to owners of lands from which they were originally severed.

36. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the Board do not agree as to the price thereof, then such price shall be ascertained

Differences as to price to be settled by arbitration.

by arbitration, and the costs of such arbitration shall be in the discretion of the arbitrators.

37. [*Application of monies arising from sales. Rep. 32 & 33 Vict. c. 102, s. 50.*]

38. [*Application of surplus monies. Spent.*]

Provisions of
18 & 19 Vict.
c. 120.,
19 & 20 Vict.
c. 112.,
21 & 22 Vict.
c. 104.,
incorporated.

39. The provisions of the Acts relating to the local management of the metropolis, namely, the Acts eighteen and nineteen Victoria, chapter one hundred and twenty, nineteen and twenty Victoria, chapter one hundred and twelve, twenty-one and twenty-two Victoria, chapter one hundred and four, shall, so far as the same are not inconsistent with the provisions of this Act, extend and apply to the objects and purposes of this Act; and the Board shall, for carrying out those objects and purposes, have and may exercise all such powers, privileges, and authorities as are conferred upon them by such Acts; provided that the Board shall not apply any monies which they are authorized to raise under the said Acts to the construction or completion of the works specially authorized by this Act.

40. [*Costs of arbitrations. Spent.*]

Use of
locomotives
prohibited in
the streets.

41. It shall not be lawful for any person to use a locomotive engine propelled by steam along the streets or roadways constructed under the provisions of this Act. [*See also the Locomotives on Highways Act 1896, s. 1.**]

42—46. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

47. [*As to separate accounts and audit thereof, and laying the same annually before Parliament. Superseded 51 & 52 Vict. c. 41, s. 71.*]

Owners of
vessels liable
for damage
done to the
embankment,
etc.

48. In case any damage or mischief shall be done to the said embankment or roadway, or to any such quays, piers, stairs, hard, slips, or landing places as aforesaid, or any of the works, matters, or things to be constructed or provided under the provisions of this Act, or any part thereof respectively, by any ship, lighter, barge, boat, float, raft, or vessel, through the wilful negligence of any person having the command of any such ship, lighter, barge, boat, float, raft, or vessel, or any of the mariners or persons employed therein, then and in every such case the owner of such ship, lighter, barge, boat, float, raft, or vessel is hereby made answerable to the Board for the amount or value of any such damage or mischief, and the same, provided it shall not exceed the sum of twenty pounds, if not forthwith paid and satisfied, may be recovered in such manner as the penalties and forfeitures hereby imposed are by virtue of the Metropolis Local Management Act, eighteen and nineteen Victoria, chapter one hundred and twenty, directed to be recovered. [*See 18 & 19 Vict. c. 120, ss. 225—227.*]

Masters com-
pelled to pay
penalties for
neglect of
servants may
recover the
same from
servants.

49. In case the owner of any such ship, lighter, barge, boat, float, raft, or vessel shall be compelled to pay any penalty, or to make satisfaction for any damages, by reason of any neglect or default done or committed by his servants or mariners, or any of them, such servants, and each and every of them, shall be liable to pay such

* S. 1 of the Locomotives on Highways Act 1896 is as follows: "1. (1) The enactments mentioned in the schedule to this Act. . . shall not apply to any vehicle propelled by mechanical power if it is under three tons in weight unladen, and is not used for the purpose of drawing more than one vehicle (such vehicle with its locomotive not to exceed in weight unladen four tons), and is so constructed that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause. . . ." The schedule to the 1896 Act includes (*inter alia*) 25 & 26 Vict. c. 93, s. 41.

penalty or damages (with the costs thereof) to such owner: and in case of nonpayment, upon demand thereof, and oath made by such owner of the payment made by him of such penalty, satisfaction, or damages, and that the same and the costs thereof have not been repaid to him by such servants or mariners, or any of them, although demanded (such oath to be made before any one or more Justice or Justices of the Peace for the county or place where such penalty or satisfaction shall have been recovered), the amount thereof, provided the same shall not exceed the sum of twenty pounds, shall be recovered in the same manner as any penalty is by virtue of the Metropolis Local Management Act, eighteen and nineteen Victoria, chapter one hundred and twenty, directed to be recovered. [*Note to s. 48 applies.*]

50. When any fine or penalty shall be recovered under the authority of this Act, the application whereof is not otherwise provided for, the same shall be paid to the Board, and be applied by them for the purposes of this Act. Application of penalties not appropriated.

51—52. [*Tender of amends—Notice and limitations of actions, Superseded by the Public Authorities Protection Act 1893 (see Appendix).*]

53. Except with the previous consent in writing of the Most Noble Algernon Duke of Northumberland, his heirs, sequels in estate, or assigns, the Board shall not take any more land belonging to the said Duke, under the provisions of this Act, than is requisite for the formation of the following streets, not exceeding sixty feet in width: that is to say, a street in continuation of Whitehall Place and a street in continuation of Northumberland Street, such streets to be made respectively in the direction shown on the Plan A. herein-after referred to, or within the limits of deviation shown on such plan: and, except with the previous consent in writing of the said Duke, his heirs, sequels in estate, or assigns, and of the said Board, no building shall be erected upon the lands taken from the said Duke, his heirs, sequels in estate, or assigns, for such streets, or upon the lands coloured green upon the plan marked (A.) signed in duplicate by the Right Honourable William Cowper, one part whereof is deposited in the Private Bill Office of the Honourable the House of Commons, except any buildings for making necessary fences on the sides of such streets, or for accommodating the public with fountains or covered resting places, or for public monuments, such buildings or monuments not exceeding nineteen feet in height above Trinity high-water mark. [*Amended 31 & 32 Vict. c. cxi. s. 24. See also 36 & 37 Vict. c. 40. s. 2; and c. c. s. 29.*]

54. [*As to appropriation of lands southward of the Craven Estate for formation of new street in continuation of Craven Street. Rep. 36 & 37 Vict. c. c. s. 27.*]

55. [*As to street between Whitehall Place and Wellington Street by Charing Cross Railway Bridge. Rep. 31 & 32 Vict. c. cxi. s. 25.*]

56. [*As to lands of the Charing Cross Railway Company.* Spent.*]

57. Notwithstanding anything in this Act contained, it shall be lawful for the said Company, after notice to the Board, and subject to their reasonable regulations, at all times hereafter to enter upon As to repair of Charing Cross railway and works.

* Now the South-Eastern Railway Company. See the Charing Cross Railway Acts 1863 and 1864.

and use, for the purposes of repairing, amending, or restoring their railway and works, and their steamboat pier and landing place at Hungerford, and the works connected therewith, so much of the said street or embankment as adjoins to or passes under the said railway and works. [*See also 4 Edw. 7, c. ccciii. s. 39.*]

As to construction of landing places.

58. No public landing place, pier stairs, or quay for landing passengers (other than such as shall be substituted for the present Adelphi Pier at the site now occupied by that pier) shall be constructed under the powers of this Act, on the south side of the said embankment within one hundred and fifty yards on either side of the steamboat pier belonging to the Charing Cross Railway Company at Hungerford. [*Note to s. 57 applies.*]

59. [*Saving rights of Charing Cross Railway Company.**]

60.

Provision as to the land belonging to Duke of Norfolk.

No buildings shall be placed on the reclaimed land between Somerset House and the Middle Temple southward of the said approach road on the said plan, except the walls or arches of the Embankment or of any roads or approaches to be made on the said land, and except any public stairs or landing places, fountains, and covered resting places for public use, or public monuments.

[*Parts omitted (as to construction of the north side of the approach road and approaches thereto from Surrey Street, Norfolk Street, and Arundel Street—Vesting certain lands in and as to rights of building for and compensation to the Duke of Norfolk. Spent.)*]

61. [*As to the Adelphi Estate. Rep. 31 & 32 Vict. c. xli. s. 25.*]

Buildings not to be erected between the property of the Marquis of Salisbury and the river.

62. No house or building shall be constructed without the consent of the Marquis of Salisbury, his heirs, sequels in right, or assigns, upon any land now lying between, or which shall or may after the reclamation and enclosure of the bed and foreshore of the river, lie between, Cecil Street and Salisbury Street, and the houses on the southern ends thereof on the north and the River Thames on the south, other than the walls or arches of the embankment, or any roads or approaches to be made on the said land, and except any public stairs or landing places, fountains, and covered resting places for public use or public monuments. . . . [*Part omitted (as to rights of access for the Marquis of Salisbury) rep. 38 & 39 Vict. c. clxxix. s. 12.*]

Junction with Salisbury Street not to be constructed without consent of Marquis of Salisbury.

63. No roadway to Salisbury Street shall be constructed without the consent of the said Marquis, his heirs or assigns, and if so constructed shall not be open to the public except for foot passengers, unless the said Marquis, his heirs or assigns, shall by some writing under his or their hand or hands signify his or their intention to dedicate it to the public for other purposes, to be specified in such writing or writings.

64—66. [*Saving the rights of the Corporation of the City of London, the Thames Conservators, and the Metropolitan Police.*]

67. [*Interference with sewers during works. Spent.*]

68—70. [*Saving the rights of the Commissioners of Sewers of the City of London, district boards and vestries, the Charing Cross and Waterloo Bridge Companies, the Corporation of London (as to Blackfriars Bridge), the Commissioners of Works (as to Westminster*

* Now the South-Eastern Railway Company. See the Charing Cross Railway Acts 1863 and 1864.

Bridge), and of the London, Chatham, and Dover Railway Company. See 40 & 41 Vict. c. xcix. and 50 & 51 Vict. c. 34.]

71—72. [*As to deviation opposite certain Crown lands, delineated on certain plans called "The Crown Plans," copies whereof were deposited in the Court of Exchequer and the Office of Records. Spent.*]

73. [*Disposal of reclaimed land in which the Crown is interested. Spent.*]

74. It shall not be lawful for the Board to erect any building or structure whatever (other than a parapet wall or railing not exceeding four feet in height) on any part of the embankment coloured blue, green, or red on the said Crown plans, without the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them as regards the part coloured blue, or of the First Commissioner of Her Majesty's Works and Public Buildings as regards the parts coloured green and red. No building to be erected on embankment opposite land in which Crown interested without consent.

75—78. [*As to ascertaining value of the interest of the Crown and Thames Conservators in certain lands—No compensation to be paid to the Crown in respect of land above high-water mark—Board to provide new landing places when existing ones in front of certain Crown lands are removed—Crown lessees to have for 5 years after the passing of the Act options of leases of reclaimed land adjacent to their properties. Spent.*]

79. [*Saving the rights of the Crown under the Thames Conservancy Act 1857. See 57 & 58 Vict. c. clxxxvii. (see Appendix.)*]

80. [*Saving the rights of the Crown generally.*]

81. [*As to taking lands of the Duchy of Lancaster. Spent.*]

82. [*As to construction of the street viaduct within the precinct of the Savoy, and saving for the Duchy of Lancaster. Rep. 31 & 32 Vict. c. cxi. s. 25.*]

83—84. [*As to construction of the viaduct in front of the works of the City of London Gas Light & Coke Company and Whitefriars Dock. Spent.*]

85. [*Supplemental plans referred to in the Act to be deposited with the Clerk of the Peace for Middlesex and to be open to inspection.*]

SCHEDULE. [*Form of mortgage. Spent. See 32 & 33 Vict. c. 102, s. 34.*]

CHAPTER 102.

* AN ACT TO AMEND THE METROPOLIS LOCAL MANAGEMENT ACTS.
[7th August 1862.]

[*Preamble (reciting 18 & 19 Vict. c. 120 ; 19 & 20 Vict. c. 112 ; and 21 & 22 Vict. c. 104) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

1. [*As to charging debt in respect of Counters Creek works, and part of debt on the Rensselaire works incurred by the Metropolitan Commissioners of Sewers on the main drainage rate. Rep. in part 56 & 57 Vict. c. 54 (S.L.R.) ; remr. spent.*]

2. [*As to repayment of sums expended on Victoria Street sewer since 1st January 1856. Rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

* See note * to 18 & 19 Vict. c. 120 (page 214).

3—4. [*Defining parishes and places on which a loan to the Metropolitan Commissioners of Sewers from the Clergy Mutual Assurance Society is to be charged—Saving rights of persons holding securities therefor. Spent.*]

Sums to be
assessed by
Metropolitan
Board.

5. [*Repeal of s. 170 of 18 & 19 Vict. c. 120.*] The Metropolitan Board of Works shall from time to time ascertain and assess upon the several parts of the metropolis the several sums which, having regard to the annual rateable value of the property in such parts respectively, ought to be charged thereon for defraying the expenses of the said Board in the execution of the firstly and secondly-recited Acts and of this Act, and any such sums may be assessed wholly or in part in respect of expenses incurred or to be incurred, and also in respect of any unpaid balance of any former precept of the said Board: Provided always, that such repeal shall not in any respect affect any act, matter, or thing whatsoever done or commenced to be done under or by virtue of the said firstly and secondly-recited Acts, or any proceeding taken or to be taken under the thirdly-recited Act, or to affect or prejudice, except as herein specially provided, in any way the rights or liabilities of any district or part under the one hundred and eighty-first section of the firstly-recited Act, but the same shall be judged of in all respects as if this Act had not been passed. [*Part omitted (repeal of s. 170 of 18 & 19 Vict. c. 120) rep. 56 & 57 Vict. c. 54 (S.L.R.). See the County Rate Act 1852: 32 & 33 Vict. c. 102, s. 22; and 51 & 52 Vict. c. 41, ss. 3, 40, and 68 seemle superseding this section.*]

Basis of
assessment.

6. For the purpose of making any assessment under the preceding section the Board shall estimate the annual value of property according to the estimate or basis on which any county rate in force in any part of the metropolis is made, or, where there is no such county rate, according to a like estimate or basis. [*Rep. so far as authorizing or relating to the ascertaining of the value of any hereditament with respect to the value of which the valuation provided for by 32 & 33 Vict. c. 67 is conclusive. See ibid. s. 77, and see note on s. 5.*]

Mode of as-
sessment by
the Metro-
politan Board
of Works.

7. All such assessments to be made by the Metropolitan Board of Works shall be assessed and charged by the said Board upon the same basis and in the same manner as the county rate is assessed and charged by the Justices under the statutes in force for assessing and charging county rates in England and Wales: Provided always, that all precepts shall be issued and rates levied by the said Board in manner directed by the several recited Acts relating to the better local management of the metropolis and by this Act, so far as relates to precepts and levying rates. [*Note on section 6 applies.*]

8. [*As to forms of assessments and precepts of Metropolitan Board of Works. Rep. (as to precepts) 62 & 63 Vict. c. 14, s. 35; remr. (as to assessments) spent. See 32 & 33 Vict. c. 102, s. 22.*]

9—12. [*As to assessments and precepts of Metropolitan Board of Works. Rep. 62 & 63 Vict. c. 14, s. 35.*]

13. [*Metropolitan Board may amend assessments and precepts where necessary. Spent. See 32 & 33 Vict. c. 102, s. 22, and 51 & 52 Vict. c. 41, ss. 3, 40, and 68.*]

14. [*Overseers to pay and account for monies to vestries and district boards. Rep. 62 & 63 Vict. c. 14, s. 35.*]

15. It shall be lawful for the Metropolitan Board of Works . . . Power to Metropolitan Board, vestries, and district boards to demand to be furnished with copies of poor rate, etc.
by order in writing, to require the vestry clerk, overseer, collector, or other person having the custody or control of any rate for the relief of the poor in any parish or place, or of any other rate, or of any book containing a copy of any such rate as aforesaid, to furnish, within such period, not being less than seven days, as shall be limited in such order, a true copy of such rate for the relief of the poor, or other rate, or of such copy thereof as aforesaid, or of such part or parts of the same as shall be specified in such order, on payment or tender for such copy at the rate of sixpence for every twenty-four names (inclusive of all the particulars in the several columns in the rate, so far as such particulars have reference to such names respectively), and the said copy shall be examined by and signed by such vestry clerk, overseer, collector, or other person, and shall be verified by his solemn declaration, if the said Metropolitan Board . . . shall require the same, which solemn declaration any Justice of the Peace, or commissioner duly authorized, is hereby empowered to administer; and any person having the custody or control of such rate, or copy thereof, who shall refuse or neglect to make and deliver to such Metropolitan Board, . . . or any person by them authorized to receive the same, such copy or extract, or to make such solemn declaration as aforesaid, shall be liable to a penalty not exceeding ten pounds for every such offence, and to a further penalty not exceeding ten pounds for each and every day during which the said offence shall be continued, to be recovered by a summary proceeding. [*Parts omitted (as to vestries and district boards) rep. 62 & 63 Vict. c. 14, s. 35. See ibid. ss. 4 and 11; see also 18 & 19 Vict. c. 120, s. 171 and note thereon.*]

16. [*Expenses of vestries in Schedule B. under this and recited Acts to be paid by district boards. Rep. 62 & 63 Vict. c. 14, s. 35.*]

17. [*Recovery of monies assessed by Metropolitan Board on extra-parochial property at determination of 11 & 12 Vict. c. 112. Spent.*]

18. In any proceedings before any Justice or Justices, by or on behalf of any vestry, district board, overseer, or collector, against the occupier or owner of any premises, for the recovery of any rates assessed under the said Acts or this Act which may be in arrear, all the rates for the recovery of which such proceedings shall be taken shall be included in the same summons, and the charge for such summons shall not exceed one shilling, and the signature of any Justice or Justices to any such summons may be either in writing or by a stamp affixed as such Justice or Justices may direct. [*See also the Poor Rates Recovery Act 1862.*]

19. . . . No corporate body or person or persons lending or proposing to lend money to . . . any vestry or district board, under the provisions of the said Acts or this Act, or of any Act or Acts for amending the same, or of any Act or Acts empowering them or either of them to borrow money, shall be bound to see or obliged to inquire whether the money lent or proposed to be lent is advanced for the purposes of such Acts, nor to see or inquire into the application of the money so lent, or any part thereof: nor shall any such respective body or person or persons be bound or required to ascertain that the board or vestry so borrowing, or the meeting or meetings of such board or vestry, was or were properly constituted or convened, or that the proceedings at any meeting were legal or regular; and the common seal of every such board or vestry, Parties lending money to Metropolitan Board or vestries or district boards not bound to inquire into application of money, regularity of proceedings, etc.

impressed upon or affixed, pursuant to the order or resolution of such board or vestry, to any mortgage, bond, or other instrument which may have been made or granted by the said board or vestry, shall be binding and conclusive on the said board or vestry by whom any such mortgage, bond, or other instrument may have been so sealed and executed, and their successors. [*Parts omitted (as to Metropolitan Board of Works) rep. 32 & 33 Vict. c. 102, s. 50, and 56 & 57 Vict. c. 54 (S.L.R.).*]

Public Loans
Commis-
sioners
authorized to
lend money
to Metropol-
itan Board,
vestries, etc.

20. It shall be lawful for the commissioners acting in the execution of the Act of the session holden in the nineteenth and twentieth years of Her Majesty, chapter seventeen,* and in the execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make advances . . . to any vestry or district board, upon the security of all or any of the monies or rates to be assessed or levied by them under the said recited Acts or this Act, and without requiring any further or other security than a mortgage of such monies or rates, repayable by such instalments, within a period not exceeding thirty years, as shall in each case be agreed upon. [*Note to s. 19 applies.*]

Power to stop
up carriage
or foot ways,
etc.

21. It shall be lawful for the said Metropolitan Board, and they are hereby authorized and empowered, during the construction of any works by them under the recited Acts or this Act, subject to the provisions of such Acts, to cause to be stopped up all or such part of the carriage or foot way of any streets, roads, or ways as shall be necessary for the due execution of the said works.

Power to
Metropolitan
Board to
take lands,
for roads, etc.

22. The compulsory powers of taking land given to the said Metropolitan Board by the firstly recited Act, and the "Lands Clauses Consolidation Act, 1845," shall, subject to the conditions and restrictions in the firstly recited Act contained, extend and be applicable to the taking of any lands which they may require for the purpose of making convenient roads or ways to or in connexion with any sewers or works vested or hereafter to be vested in the said Board, or which they may require for making roads or ways during the construction of any sewerage works, or for spoil banks or places of deposit of surplus earth or other materials in the execution of any such works. [*See 18 & 19 Vict. c. 120, s. 152.*]

23. [*Votes of the Metropolitan Board exceeding £20,000 to be confirmed at subsequent meeting. Superseded 51 & 52 Vict. c. 41, s. 80.*]

Maintenance
of bridges,
culverts, etc.

24. When the said Metropolitan Board shall, in exercise of the powers conferred upon them, have constructed any bridges, culverts, arches, or passages in connexion with any sewers or works, all such bridges, culverts, arches, and passages shall at all times after the construction thereof be maintained at the expense of the said Board.

Formation
and main-
tenance of
bridges,
arches, cul-
verts, etc.

25. It shall be lawful for the said Metropolitan Board to make and maintain any bridges, arches, culverts, passages, or roads over, under, or by the sides of or leading to or from any sewerage works constructed or to be constructed by them, which they may deem necessary and convenient for preserving the communications between lands through which the said works may have been or may be made or carried; provided that it shall be lawful for the said Board to contract and agree with the owners and occupiers of lands to pay them or any of

* Rep. and replaced by the Public Works Loans Act 1875.

them compensation in lieu of making or maintaining such bridges or other works.

26. [*Time for completion of work specified in s. 1 of 21 & 22 Vict. c. 104, extended. Rep. 32 & 33 Vict. c. 102, s. 50.*]

27. No gully or ventilating shaft immediately connected with or appertaining to, or which hereafter may be immediately connected with or appertain to, any sewer vested in the Metropolitan Board of Works, shall be trapped, covered, or closed up without previous notice in writing being given to the said Board, nor if the said Board or their engineer within one week after the giving of such notice shall express in writing their or his objection to the same. [See 18 & 19 Vict. c. 120, s. 71, and note thereon.]

As to trapping of gullies connected with main sewers.

28. Notwithstanding the provision contained in the eighty-ninth section to the firstly recited Act, relative to the transfer by vestries and district boards to the Metropolitan Board of Works of their powers and duties in relation to sewerage and drainage, it shall not be lawful for any vestry or district board to transfer to the Metropolitan Board of Works any such powers or duties without the previous consent in writing of the said Metropolitan Board.

Powers as to sewerage not to be transferred to Metropolitan Board without consent of that Board.

29. Under the provisions of the two hundred and eleventh and two hundred and twelfth sections of the firstly recited Act, empowering the Committee of Appeal of the Metropolitan Board of Works to hear and determine an appeal against any order or act of any vestry or district board, the said committee may allow or dismiss the appeal, or quash or confirm or vary the order appealed against.

Orders to be made by committee on appeals against acts of vestries and district boards.

30. [*Appeal committee empowered to make improvement rates and issue distress warrants for expenses of private improvements executed by the Metropolitan Commissioners of Sewers. Spent.*]

31. [*Repeal of so much of s. 58 of 18 & 19 Vict. c. 120 as requires acts of committee to be submitted to board or vestry for approval. Rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

32. Whereas it is in and by the firstly recited Act provided that the Metropolitan Board of Works shall from time to time, in order to secure the efficient maintenance of the main and general sewerage of the metropolis, make such general or special orders as to them may seem proper for the guidance, direction, and control of the vestries of parishes and district boards in the levels, construction, alteration, maintenance, and cleansing of sewers in their respective parishes or districts, and for securing the proper connexion and intercommunication of the sewers of the several parishes and districts, and their communication with the main sewers vested in the said Metropolitan Board, and generally for the guidance, direction, and control of vestries and district boards in the exercise of their powers and duties in relation to sewerage, and all such orders shall be binding upon such vestries and boards: Be it enacted, that whenever the said Metropolitan Board shall, in exercise of the said power, have ordered that any sewer or sewers vested in the vestry, district board, or other body acting for any parish or place comprised in the schedules of the firstly recited Act, having control over the sewers in one parish, district, or part, shall, for the purpose of outfall or otherwise, be connected with any sewer or sewers vested in the vestry or district board of another parish, district, or part, or other body having control over the sewers in such parish, district,

Communications between sewers in different parishes or districts, and payment of compensation, etc. in consideration thereof.

or part, it shall be lawful for the vestry, district board, or other body, for the drainage of whose parish, district, or part such connexion shall be required, and at whose instance and request such order shall have been made, to execute all necessary works as well within their own parish, district, or part as within any other parish, district, or part which shall be specified in the said order of the Metropolitan Board for affecting such connexion: Provided that every communication to be made by any vestry, district board, or other body with any sewer out of their own parish, district, or part shall be made under the supervision and to the satisfaction of the board, vestry, or other body having control over such last-mentioned sewer; and where it shall appear to the said Metropolitan Board to be equitable and just, under the circumstances of the case, that any vestry, board, or other body so connecting their sewers with the sewers vested in another vestry, district board, or other body should pay such last-mentioned vestry, board, or body any compensation or remuneration, either in one sum or by yearly or other payments, for the use of their sewer, it shall be lawful for the said Metropolitan Board to order and direct payment of such compensation or remuneration accordingly, and the vestry, board, or other body to whom any such payment shall be directed to be made may recover the same from the vestry, board, or body directed by such order to make such payment, either by action at law or before a Justice of the Peace in a summary manner. [*See* 18 & 19 *Vict. c.* 120, *s.* 138.]

33. [*Regulations as to breaking up turnpike roads. Rep.* 56 & 57 *Vict. c.* 54 (*S.L.R.*).]

Plan, etc. of
works affect-
ing railways
or canals to
be submitted
to companies.

34. Where any works authorized by this or the recited Acts will interfere with any railway or canal, the board or vestry proposing to construct such works shall before commencing the same give notice in writing of their intention so to do to the company owning such railway or canal, and shall, together with such notice deliver a plan and section showing the nature of such interference; and if within seven days after the receipt of such notice the company shall by writing, addressed to the board or vestry, object to the manner in which it is intended to interfere with such railway or canal respectively, on account of the probable interruption or endangering of the traffic thereon, the same works shall not be commenced; and it shall thereupon be referred to an engineer, to be appointed by the Board of Trade, on the application of either party, to determine the manner of executing the said works, and the determination come to by such engineer shall be binding on both parties.

Line of rail-
way not to
be altered.

35. Provided always, that it shall not be lawful for any board or vestry to alter the level of any railway or canal, unless with the consent of the company owning the same respectively, or, if that be refused, with the consent of the Board of Trade; and provided also, that nothing in this Act contained shall take away or affect the right of any railway or canal company to compensation for the taking or injuriously affecting of any land or property of such company, or for or by reason of the interruption of any traffic on their railway or canal, or for any damages, costs, or expenses which such company may be required to pay in consequence of such interruption. [*See s.* 72, and 18 & 19 *Vict. c.* 120, *ss.* 69, 135, and 225.]

36. [*Inspectors of rates under* 18 & 19 *Vict. c.* 120 *to appoint umpire. Rep.* 56 & 57 *Vict. c.* 73, *s.* 89 (*see Appendix*).]

37. Every vestry . . . constituted under the firstly-recited Act, or this Act, may hold their meetings on such days of the week, except Sundays, as they may from time to time determine, notwithstanding any provision to the contrary contained in any local Act; and any business which, by any local or other Act of Parliament, or custom, should be done by any such vestry on a certain day, may be done at any meeting of such vestry duly convened for the purpose, and held within seven days next before or after such certain day as aforesaid. . . . [*Parts omitted (as to hour of meeting) rep. 56 & 57 Vict. c. 73, s. 31 (see Appendix); and (as to district boards) rep. 62 & 63 Vict. c. 14, s. 35.*]

Vestries and district boards may appoint their days of meeting.

38. [*Certiorari for auditors' allowances or disallowances. Rep. 62 & 63 Vict. c. 14, s. 35.*]

39. If any person be returned to serve in any vestry for more than one ward, he shall on or before the next meeting of the vestry after such election signify in writing to the clerk of such vestry his decision as to the ward which he may desire to represent on such return; and if before or at such meeting he shall refuse or neglect so to do, the vestry shall determine the ward which he shall represent; and the vacancy occasioned by such determination or decision shall be filled up by an election to be held for that purpose within one month from the date of such determination or decision, such elections to be conducted in the like manner as the annual elections of vestrymen.

Provision in case of a vestryman being returned for more than one ward.

40—41. [*As to elections of vestrymen and division of parishes into wards. Rep. 62 & 63 Vict. c. 14, s. 35.*]

42. [*No parish to be unwarded without notice. Rep. 57 & 58 Vict. c. 56 (S.L.R.).*]

43. [*Annual reports of officers of health for parishes and districts. Rep. 54 & 55 Vict. c. 76, s. 142. See ibid. 106.*]

44. It shall be lawful for the owners or occupiers of any land or premises in any parish, district, or part within the limits of the metropolis as defined by the firstly-recited Act, with the consent and subject to the regulations and conditions herein-after mentioned, to construct sewers at their own expense for the purpose of draining such land or premises; and it shall be lawful for any vestry or district board in whom the sewers in any parish, district, or part are vested, if they shall deem it just and proper so to do, to contribute out of the rates under their control applicable to the execution of works of sewerage to their costs of any sewers constructed for the purpose aforesaid. [*See ss. 47—51 and 61.*]

Owners and occupiers of land may execute works of drainage at their own expense.

45. Any vestry or district board intending to construct any sewer shall, before commencing any works for that purpose, submit to the Metropolitan Board of Works a plan of the street or place in which it is proposed to construct such sewer, drawn to such a convenient scale or scales as the said Metropolitan Board shall direct, and there shall be shown on such plan the position, course, and dimensions of the proposed sewer, with a section or sections thereof, and such other particulars in relation thereto as the said Metropolitan Board shall deem necessary and require, and no such sewer or works shall be proceeded with without the approval in writing or contrary to the directions of the said Board. [*See 18 & 19 Vict. c. 120, s. 69, and note thereon.*]

Vestries, etc. to submit plans of new sewers to Metropolitan Board.

Communica-
tions with
main sewers.

46. Three clear days notice in writing shall be given to the Metropolitan Board of Works by any vestry or district board previously to the connexion of any sewer or drain with a main sewer; and the necessary junction or communication for that purpose shall be made by such vestry or district board to the satisfaction of the said Metropolitan Board. [*See note to s. 45.*]

Private par-
ties before
branching
sewers into
main or dis-
trict sewers
to apply for
sanction of
vestries, etc.

47. Every person other than a vestry or district board intending to make or branch a sewer, either into a sewer vested in the Metropolitan Board of Works, or into a sewer vested in any vestry or district board, shall in the first instance lay the plan and section thereof before, and apply for the sanction of, the vestry or district board of the parish, district, or part in which such last-mentioned sewers shall be situate; and no sewer shall be begun to be made by such person until the sanction in writing of such vestry or district board shall have been obtained. [*See note to s. 45.*]

Vestries, etc.
before sanc-
tioning
sewers, to
apply for
approval of
Metropolitan
Board.

48. Before any vestry or district board shall sanction the construction of any such sewer they shall submit the plan and section thereof to the Metropolitan Board of Works for their approval, in the same manner as if such sewer were proposed to be constructed by such vestry or district board; and no vestry or district board shall sanction the construction of any such sewer without the approval in writing of the said Metropolitan Board first had and obtained. [*See note to s. 45.*]

Seven days
notice must
be given
before drains
can be
branched into
main sewers.

49. All persons intending to make or branch any drain into a sewer vested in the Metropolitan Board of Works shall, seven clear days before commencing any works for that purpose, make written application to the vestry or board of the parish, district, or part in which such sewer shall be situate, accompanied by a plan showing such particulars as may be required by any byelaw or resolution of the said Metropolitan Board; and no such work shall be commenced until the sanction in writing of the said vestry or district board shall have been given. [*See also 53 & 54 Vict. c. 66, ss. 4 and 5.*]

Regulations
as to aban-
donment,
alteration,
etc. of
design for
sewers
previously
approved.

50. When it shall be desired to abandon either wholly or in part, or to extend, contract, or alter, any design for a sewer previously submitted to and approved by the Metropolitan Board of Works, notice in writing of such desire shall be given by the vestry or district board by whom such approval shall have been obtained to the said Metropolitan Board, accompanied by plans and sections showing the nature of the abandonment, extension, contraction, or alteration desired; and no such abandonment, extension, contraction, or alteration shall be made without the previous approval in writing of the said Metropolitan Board; and no person other than a vestry or district board shall abandon wholly or in part, or extend, contract, or alter in construction, any sewer approved or sanctioned by the Metropolitan Board of Works, without the previous sanction in writing of the vestry or district board in whose parish or district the works were intended to be executed, to be applied for and given in the same manner as herein-before directed with respect to new sewers.

In case sewer
be not con-
structed with-
in 12 months,
fresh applica-
tion to be
made.

51. In case any sewer sanctioned and approved by the Metropolitan Board of Works as herein-before provided shall not be constructed or executed within twelve calendar months from the date of such sanction or approval, the works for the construction of such sewer shall not be executed without a fresh permission by the Metropolitan Board, and their written sanction that the necessary

works for the construction of such sewer may proceed, to be applied for and obtained in manner herein-before provided with respect to the original permission for the construction of such sewer.

52. Where any sewer shall . . . be constructed by any vestry or district board in or for the drainage of any new street, or of any house or houses erected since the first day of January one thousand eight hundred and fifty-six, the expense of constructing such sewer and the works appertaining thereto, including the cost of gullies, side entrances, lengths of sewer at the intersection of streets, and other incidental charges and expenses, shall be borne and defrayed by the owners of such street or houses and of the land bounding or abutting on such street respectively, and the said expenses shall be apportioned by the vestry or district board in such proportions as they may deem just, and the amount charged upon or payable in respect of each house or premises shall be payable before the works shall be commenced, during their progress, or after their completion, as the vestry or district board shall in each case determine, either in one sum or by instalments, within such period, not exceeding twenty years, as the vestry or district board shall direct; and any such sum or instalments shall be recoverable from the present or any future owner of the said house or premises either by action at law or in a summary manner before a Justice of the Peace, at the option of the vestry or board. [*Words omitted ("after the passing of this Act") rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Expense of constructing sewers in new streets and streets laid out since 1st Jan. 1856.

53. Where any sewer shall be constructed by any vestry or district board in a street in which previously to such construction there had been no sewer, or only an open sewer, but where sewers rates have been levied previously to such construction, the expense of constructing such sewer and the works appertaining thereto, including the cost of gullies, side entrances, lengths of sewer at the intersection of streets, and other incidental charges and expenses, shall be borne and defrayed in part only by the owners of the houses situate in and of the land bounding and abutting on such street respectively: and the amount to be borne by such owners shall be determined by the vestry or district board in each particular case, and the residue of such expenses shall be defrayed by the vestry or district board out of the sewers rates levied in their parish or district; and the amount so charged by the vestry or district board upon or in respect of each house or premises shall be payable, either before the works shall be commenced, during their progress, or after their completion, as the vestry or board shall in each case determine, either in one sum or by instalments, within such period, not exceeding twenty years, as the vestry or board shall direct: and any such sum or instalment shall be recoverable from the present or any future owner of such house or premises either by action at law or in a summary manner before a Justice of the Peace, at the option of the vestry or board: Provided that no street or property in respect of which sewers rates have been levied for five years prior to the first day of January one thousand eight hundred and fifty-six shall be subject to be charged under the provision contained in this section.

Expense of constructing sewers where there had before been only open sewers.

54. In apportioning the cost of constructing sewers under the provisions contained in the two last preceding sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties, it shall be lawful for any vestry or district board

Land may be charged in a less proportion than house property.

to charge the owners of land bounding or abutting on any street in a less proportion than the owners of house property, should they, under the circumstances of the case, deem it just and expedient so to do.

Where
estimated,
expenses
exceed actual
costs, differ-
ence to be
refunded by,
and where
less to be
paid to,
vestry, etc.

55. In any case in which the estimated expenses shall exceed the actual cost of constructing sewers under the provisions contained in the said two preceding sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties, then the difference between such estimated expenses and the actual cost shall be repaid by the vestry or board to the owners of the houses or premises by whom the amount of any such estimated expenses may have been paid; and in any case in which the estimated expenses shall be less than the actual cost of constructing any sewer or sewers under the provisions aforesaid, then the owners of the said houses or premises shall, on demand, pay to the said vestry or board such further sum of money as, together with any sums already paid, will make up the amount of the actual cost; and the vestry or district board shall have all the same remedies for the recovery of such further sum as are herein-before given for recovering any expenses apportioned by vestries or district boards under the said enactments.

Vestry or dis-
trict board
may defray
part of ex-
pense out of
sewer rates.

56. It shall be lawful for the vestry or district board, should they deem it reasonable and just so to do, at their discretion to defray, . . . any portion of the expenses of and incident to the construction of sewers under the provisions contained in the said two sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties. [*Part omitted (as to sewers rates) rep. 62 & 63 Vict. c. 14, s. 35; see ibid. s. 10.*]

Appeal
against
orders of
vestries, etc.
as to amount
or apportion-
ment of
expenses.

57. Any person who may deem himself aggrieved by any order or resolution of any vestry or district board in relation to the expenses of constructing works under the said two sections of this Act relating to the construction of sewers wholly or partly at the cost of private parties, or the apportionment of such expenses, may appeal to the Metropolitan Board of Works against such order or resolution, subject in all respects to the directions and provisions contained in the two hundred and eleventh section of the firstly-recited Act, and the section of this Act relative to the form of order to be made by the Committee of Appeal of the Metropolitan Board of Works against orders or acts of vestries or district boards. [*See s. 29, and 18 & 19 Vict. c. 120, ss. 211 and 212.*]

Execution of
works of
sewerage by
vestries and
district
boards be-
yond the
limits of the
metropolis.

58. . . . Whenver it shall be found necessary by the vestry of any parish mentioned in Schedule A. to the said Act, or by the board of works of any district mentioned in Schedule B. to the said Act, for the purpose of executing works for any of the purposes mentioned in the said section, to carry any sewer or work beyond the limits of the metropolis as defined by the said Act, it shall be lawful for any such vestry or district board to execute works in parts situate beyond or without such limits, and to cleanse, repair, and maintain such works as they shall from time to time deem necessary: Provided always, that no work shall be performed or commenced by any vestry or district board beyond the limits of the metropolis as above defined, except for the purpose of continuing or forming part of a work commenced or executed within their respective parish or district; nor shall any such works be performed or commenced without the consent in writing of the Metropolitan

Board of Works for that purpose first had and obtained, nor without the consent of the vestry or district board, or authorities of the parish or place through which the work may pass ; but if any such vestry or district board or authority shall refuse such consent, one of Her Majesty's Chief Secretaries of State shall have authority under this Act to decide whether such consent ought to be withheld, and such Secretary of State may make such Order as to him shall seem just ; but nothing herein contained shall apply to any work for the purpose of the main drainage of the metropolis under the recited Acts : Provided also, that no new sewer, either within or beyond the limits of the metropolis, shall be made or executed by any vestry, district board, or other body having control over sewers within the metropolis without the previous approval of the said Metropolitan Board. [*Part omitted (recital of 18 & 19 Vict. c. 120, s. 69) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

59. The provisions contained in the eightieth section of the firstly-recited Act, empowering vestries and district boards to order, at their discretion, under the circumstances therein mentioned, such sums as they shall deem just to be paid and contributed by the owners of houses towards the expense of the construction of sewers into which drains from such houses shall be made or branched, shall be extended, and the same are hereby extended and made applicable to the Metropolitan Board of Works with respect to houses draining into main sewers constructed at the expense of any person or body other than any commissioners of sewers, and which are vested in the Metropolitan Board : and the same provisions are hereby extended and made applicable to all sewers within the limits of the metropolis as defined by the firstly-recited Act, built since the first day of January one thousand eight hundred and fifty-six, or which may hereafter be built at the expense of any person or body other than the Metropolitan Board of Works, or any vestry, district board, or other body having control over sewers within the metropolis, into which house drains may be made or branched ; and the said Metropolitan Board, vestry, district board, or other body, as the case may be, may at their discretion accept payment of contribution from the owners of houses draining into such sewers respectively, either in one sum or by instalments within any period not exceeding twenty years, with interest after a rate not exceeding five pounds by the hundred by the year, as the said Board, vestry, or other body shall in each case determine, and shall on receipt of any such contribution or instalment pay over the same to the person or body entitled thereto : and every sum payable to the said Board, vestry, or other body by way of contribution to the construction of sewers shall be recoverable from the present or any future owner of the said premises either by action at law or before a Justice of the Peace in a summary manner, at the option of the Board or vestry : Provided that nothing herein contained shall prejudice or affect the right of vestries and district boards to demand and recover from the owners of houses and land the sums charged upon them by such vestry and district boards respectively under the provisions contained in this Act. [*See ss. 52 and 53.*]

60. In all cases in which time shall be given by the Metropolitan Board of Works, or by any vestry, district board, or other body for the payment of any contribution to the cost of a sewer as aforesaid, the Metropolitan Board of Works shall keep a register of

Proviso.

Contribution
to cost of
main sewers
and sewers
built since
1st January
1856, or
hereafter to
be built.

Where time
is given for
payment of
contribution,
the Metro-

politan Board
shall keep a
register.

all such orders for contribution, which register shall contain the description of the premises, the amounts payable, the periods for payment, and other necessary particulars; and such register shall be open to inspection by parties interested during office hours without payment of fee or reward; and every vestry, district board, or other body giving time for payment of any such contribution as aforesaid shall forthwith transmit to the said Metropolitan Board a copy of their order or resolution in that behalf made, and such other particulars in relation thereto as the said Board may deem necessary and require.

Regulations
respecting
openings
into sewers.

61. . . . No person shall make or branch any sewer or drain, or make any opening into any sewer vested in the Metropolitan Board of Works, or in any vestry or district board, without the previous consent in writing of such Board or vestry: Provided that it shall be lawful for any person, with such consent, at his own expense, to make or branch any drain into any sewer vested in such Board or vestry, or authorized to be made by them or either of them under the firstly-recited Act or this Act, such drain being of such size, materials, and other conditions, and branched into such sewer in such manner and form of communication in all respects, as the Board or vestry shall direct or appoint: Provided also, that where any contribution to the cost of a sewer is payable in respect of drainage into the same, it shall not be lawful for any person to make or branch any drain into such sewer except in conformity with the directions of the Board or vestry in whom the same shall be vested with respect to payment of contribution under the provisions contained in the firstly-recited Act and this Act in that behalf; and in case any person, without the consent of the said Metropolitan Board, district board, or vestry as aforesaid, make or branch, or cause to be made or branched, any sewer or drain, or make any opening into any of the sewers vested in any such Board or vestry, or authorized to be made by them as aforesaid, or if any person make or branch, or cause to be made or branched, any drain of a different construction, size, material, or other conditions, or in another manner or form of communication than shall be directed or appointed by such Board or vestry, every person so offending shall for every such offence forfeit a sum not exceeding fifty pounds; and the Board or vestry may cut off the connexion between such drain and their sewer, or if they shall see fit execute the necessary works for making the said drain conformable to their regulations or directions at the expense of the person making such drain or causing the same to be made, such expenses to be recovered either by action at law or in a summary manner before a Justice of the Peace, at the option of the Board or vestry. [*See s. 59, and 18 & 19 Vict. c. 120, s. 80. Part omitted (repeal of s. 77 of 18 & 19 Vict. c. 120), rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

62. [*As to underground rooms occupied as dwellings. Rep. 54 & 55 Vict. c. 76, s. 142. See ibid. ss. 96 and 97.*]

Extension of
time under
sect. 76 of
18 & 19 Vict.
c. 120. for
making
orders by
vestries and
district
boards.

63. Whereas by the seventy-sixth section of the firstly-recited Act it is provided that the vestry or district board shall make their order in relation to the matters therein referred to, and cause the same to be notified to the person from whom the notice mentioned in the said section was received within seven days after the receipt of such notice, and it is expedient that the time for making such order should be extended: Be it therefore enacted, that where any notice shall have been given to any vestry or district board pursuant

to the said section, it shall be lawful for the surveyor of such vestry or board, if he shall deem it necessary and proper so to do, within three days after the receipt of such notice by the vestry or district board, by writing under his hand directed to and served upon the person giving such notice, to require that the building or works referred to therein shall not be proceeded with until after the then next meeting of the said vestry or district board, and until their directions in reference thereto shall have been notified to such person, provided that the order of the said vestry or district board shall be made and notified to the said person at the latest within fifteen days after the receipt of such notice by the vestry or district board; and in case any person shall proceed with any building or works contrary to this enactment he shall forfeit and pay to the vestry or district board a sum not exceeding five pounds, and also a further sum of forty shillings for every day during which such offence shall continue, to be recovered by action at law or in a summary manner at the option of the vestry or board.

64. Whereas by the seventy-third, seventy-fourth, seventy-sixth, . . . eighty-fifth, . . . sections of the firstly-recited Act certain works, matters, and things are required to be constructed, made, or executed on the requisition of vestries and district boards by the owners or occupiers of the premises therein referred to; and in case any such owner or occupier refuse or neglect to commence, proceed with, or complete the same, as the case may be, the vestry or district board are authorized to perform and execute such works, matters, and things, and recover the costs incurred thereby in manner therein provided: Be it enacted, that in case of any such neglect or default by any person or persons to comply with the order of any vestry or district board to execute any works, matters, or things under any of the said provisions, the person or persons so offending shall forfeit and pay to the vestry or district board a sum not exceeding five pounds, and also a further sum not exceeding forty shillings for every day during which such offence shall continue, to be recovered by action at law or before a Justice of the Peace in a summary manner, at the option of the vestry or district board; and the vestry or district board may at their discretion either execute or perform any such works, matters, or things, and recover the costs and expenses thereof from the owner of the property as aforesaid, or proceed for and recover the said penalty or penalties; but nothing herein contained shall render any person or persons liable to be proceeded against for the penalty as well as for the costs and expenses of the works. [*Words omitted ("eighty-first" and "and eighty-sixth") rep. 54 & 55 Vict. c. 76, s. 142 (q.v.).*]

Where parties neglect to carry out works pursuant to order of vestry, the vestry may recover penalty or do the works.

65. The penalties declared by the firstly-recited Act in the case of persons committing the offences mentioned therein are hereby extended and made applicable to all persons causing the commission of any such offences, or by whose order or direction any such offences shall have been committed.

Penalties in 18 & 19 Vict. c. 120, extended to persons causing offences.

66. Whereas certain property within the limits of the metropolis is so situate as to render it impracticable, or practicable only at undue expense, to connect such property with covered sewers, and it is expedient that some temporary provision should be made for draining such property and abating the nuisances existing thereon or caused thereby: Be it therefore enacted, that in any case in which any house or other building, whether erected before or after

Temporary provision for drainage of property where no proper sewer within 200 feet.

the passing of this Act, is without sufficient drainage, and there is no proper sewer within two hundred feet of any part of such house or building, it shall be lawful for the vestry or district board of the parish or district in which such house or building is situate by notice in writing to require the owner of such house or building to construct and lay from such house or building a covered drain to lead therefrom into a covered water-tight cesspool or tank or other suitable receptacle, not being under a house or within such distance from a house as the vestry or board shall direct, and to construct such cesspool, tank, or receptacle; and the several provisions in the firstly-recited Act with respect to the laying of house drains at the expense of the owners of property, and the recovery of such expenses of and the penalties for any omission in respect to the performance of any such works pursuant to the orders of vestries or district boards in accordance with the directions of the said Act, shall be extended to and apply to the making of such cesspools, tanks, receptacles, and drains, and the orders of vestries and district boards in relation thereto and the expenses thereof. [*See s. 64, and 18 & 19 Vict. c. 120, ss. 73—85.*]

67. [*Compulsory water supply for houses. Rep. 54 & 55 Vict. c. 76, s. 142. See ibid. s. 48.*]

Penalty on
persons
placing
buildings or
encroach-
ments on
sewers.

68. Every person who shall knowingly erect or place any building, wall, bridge, fence, obstruction, annoyance, or encroachment in, upon, over, or under any sewer under the jurisdiction of the Metropolitan Board of Works, or of any vestry or district board, and every person obstructing, filling in, or diverting any sewer or drain under the jurisdiction, survey, or control of the Metropolitan Board or of any vestry or district board, without the previous consent in writing of the Board or vestry in whom the same may be vested, shall, in addition to any other proceeding to which he may be liable therefor, forfeit and pay to such respective Board or vestry a sum not exceeding twenty pounds for every such offence; and the Board or vestry may demolish and remove any such building, wall, bridge, fence, obstruction, annoyance, or encroachment, and perform any works necessary for restoring or reinstating the sewer or other work or thing damaged; and the party erecting such building, wall, bridge, fence, or causing such obstruction, annoyance, or encroachment, shall also pay the expense of removing and abating them respectively, and of re-opening, restoring, repairing, or reinstating any sewer or drain obstructed, filled in, closed up, or diverted; and in case of a continuing offence in any of the cases aforesaid the offender shall be liable to a further penalty, not exceeding five pounds, for each day after notice thereof from the Metropolitan Board of Works, or from the vestry or district board, to be recovered by action at law or before any Justice of the Peace, by a summary proceeding, at the option of the Board or vestry; Provided always, that nothing herein contained shall extend to prevent or impede the maintenance, repair, or renewal of any buildings or works under which a sewer or drain has been constructed, but so, nevertheless, that such buildings or works shall not injure or obstruct the said sewer or drain. [*See 18 & 19 Vict. c. 120, s. 83 and note thereon, and s. 204.*]

Penalty on
persons
interfering
with sewers.

69. Any person who shall take up, remove, demolish, or otherwise interfere with any sewer or part of a sewer vested in the Metropolitan Board of Works, or in any vestry or district board,

without the previous permission in writing of such board or vestry, or who shall wilfully damage any sewer, bank, defence, wall, penstock, grating, gully, side entrance, tide valve, flap, work, or thing vested in the Metropolitan Board or any vestry or district board, or do any act by which the drainage of the metropolis or any part thereof may be obstructed or injured, shall for every such offence forfeit and pay to the said Metropolitan Board of Works, or to the vestry or district board aggrieved by any such act, for every such offence a sum not exceeding twenty pounds, and shall also pay to such board or vestry all the expenses of repairing, restoring, reinstating, or amending any sewer or other work or thing so taken up, removed, demolished, damaged, or interfered with, to be recovered by action at law or before a Justice of the Peace by a summary proceeding, at the option of the Board or vestry. [*See note on s. 68.*]

70. [*As to providing and maintaining drinking fountains. Rep. 54 & 55 Vict. c. 76, s. 142. See ibid. s. 51.*]

71. All property, rights, matters, and things whatsoever which before the passing of the firstly-recited Act were vested in any surveyor or surveyors of highways in connexion with their duties and powers as such surveyor or surveyors, transferred by that Act to any vestry or district board, shall be deemed to have become transferred to and to have vested in such vestry or district board by virtue of the said Act: and so much of the yearly and other income of all estates, property, and effects of whatsoever description so vested and transferred as aforesaid as is or may be subject to any use or trust for or in respect of and applicable to the repair of any highways within the metropolis shall be applicable to the repair, maintenance, and improvement of the highways within the metropolis under the provisions of the said Act, and shall from time to time be accounted for and paid over to the respective vestries and district boards, and be applied by them for the purposes of the highways within their parishes and districts, in the same manner as the same could lawfully have been applied before the passing of the said Act. [*See 18 & 19 Vict. c. 120, s. 96.*]

Income of estates, property, etc. subject to trusts for repair of highways, to be paid over to vestry or district board.

72. The vestry of every parish mentioned in Schedule A. to the firstly-recited Act, and the district board of every district, shall, with the previous consent in writing of the Metropolitan Board of Works, have power within their respective parish or district to make, extend, widen, alter, or improve any street, road, or way, or any bridge over a canal traversing any part of such parish or district, for the purpose of facilitating passage and traffic, or for any other public purpose; or to contribute and join with the Metropolitan Board, or with any other body or persons, in any such improvements: and to take by agreement or gift any land, right in land, or property for the purposes aforesaid, or any of them, on such terms and conditions as they may think fit: and for the purposes aforesaid it shall be lawful for any vestry or district board, should they see fit, to take down the present bridges over canals within their parish or district, and to erect others in their place and stead, or to erect new bridges over such canals in such situations as they may deem beneficial, and from time to time to repair and maintain such existing or new bridges, and to indemnify the canal company or other body or persons interested in such bridges against the future repairs and maintenance of any such bridges: and the

Vestries and district boards may, with consent of Metropolitan Board, effect improvements within their parish or district.

expenses incurred by any vestry or district board in any such improvements shall be paid out of the general rate authorized to be raised in their parish or district under the firstly-recited Act: Provided that no such extension, widening, alteration, improvement, taking down, or re-erection of any existing bridge over any such canal, or the erection of any new bridge over the same, shall be made without the previous consent in writing under their common seal of the company owning such canal, and the provisions of the one hundred and seventh section of the firstly-recited Act shall remain in force and be applicable to this enactment: Provided also, that it shall be lawful for any such vestry or district board, under the provision contained in the one hundred and eighty-third section of the firstly-recited Act, to borrow and take up at interest on the credit of all or any of the moneys or rates authorized to be raised by them under that Act any sums necessary for defraying the expenses of any such improvements: Provided, that nothing in this Act shall extend or be construed to extend to authorize the taking down or removing any bar, gate, rail, or other fence fixed for preventing any thoroughfare into or from any square, street, or way, without the consent of the proprietor of the estate or property upon which such bar, gate, rail, or other fence, square, street, or way shall be situate: Provided that this enactment shall not limit the powers in force given by the Act next herein-after referred to, or by any local Act. [*See also s. 100, and 18 & 19 Vict. c. 120, ss. 107 and 183, and notes thereon.*]

Act as to
paving and
improving
parts of
metropolis
to extend to
metropolis
as defined by
this Act.

73. The powers of improving and regulating streets and for the suppression of nuisances contained in the Act of the fifty-seventh year of the reign of His Majesty King George the Third, chapter twenty-nine, local and personal, intituled "An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein," shall so far as the same is in force, and is not inconsistent with the provisions of the recited Acts and this Act, extend and apply to the metropolis as defined in the firstly-recited Act and in this Act, including any unpaved streets, and notwithstanding any exceptions therein contained.

74—76. [*Buildings beyond general line. Rep. 57 & 58 Vict. c. cxxiii. s. 215. See ibid. ss. 22 et. seq. and 190.*]

Expenses of
paving new
streets.

77. Where any vestry or district board shall, under the powers given by the one hundred and fifth section of the firstly-recited Act, have paved or be about to pave any new street, the owners of the land bounding or abutting on such street shall be liable to contribute to the expenses or estimated expenses of paving the same, as well as the owners of houses therein, provided that it shall be lawful for the vestry or district board to charge the owners of land in a less proportion than the owners of house property, should they deem it just and expedient so to do; and any such costs or expenses, including the cost of paving at the points of intersection of streets, and all other incidental costs and charges, shall be apportioned by the vestry or board, and shall be recoverable either before the work shall be commenced, or during its progress, or after its completion; and it shall be lawful for the vestry or district board at their discretion to accept payment of the amount apportioned or charged in respect of each house or premises by instalments spread over a period not exceeding twenty years, and any such

amount shall be recoverable from the present or any future owner of the premises either by action at law or in a summary manner before a Justice of the Peace, at the option of the vestry or board. [See also 53 & 54 Vict. *cc.* 54 and 66.]

78. [As to flagging of footways. *Rep.* 53 & 54 Vict. *c.* 54, *s.* 1.]

79. [Recital of the determination under 18 & 19 Vict. *c.* 120 of the powers of the commissioners under 39 & 40 Geo. 3, *c.* xlix.* to pave roads and footways on the Bedford estate. *Rep.* 56 & 57 Vict. *c.* 54 (S.L.R.)—Certain sums advanced by the Duke of Bedford for making up certain roads and footways on that estate to be added to the debt on St. Pancras parish. *Spent.* See the St. Pancras Loans Acts 1879 and 1887.]

80. . . . No street not being an highway shall be repaired as in the said section mentioned, unless notice be given to the owners and rated occupiers of the houses in such street respectively: and service of any such notice may be effected by leaving the same at the several houses in such street, or where any of the said houses shall be unoccupied, by affixing the same upon the outer door or some conspicuous part of such houses; and provided further, that no such street shall be repaired as in the said section mentioned if within one month after notice has been given as aforesaid written notice of objection to such repair, signed by at least two-thirds of the owners or rated occupiers of houses in the said street, shall be given to the vestry or district board. [Part omitted (*repeal of proviso to s. 106 of 18 & 19 Vict. c. 120*) *rep.* 56 & 57 Vict. *c.* 54 (S.L.R.). See also *s.* 110, and 18 & 19 Vict. *c.* 120, *s.* 221.]

Proviso to
sect. 106 of
18 & 19 Vict.
c. 120
repealed.

Notice of
intention to
repair street,
not being
a highway.

81. In any case of default by the owner of any court, passage, or public place, not being a thoroughfare, to comply with the requisition of any vestry or district board to perform works of paving or draining of the nature described in the one hundredth section of the firstly-recited Act, it shall be lawful for the vestry or board, should they see fit, in lieu of enforcing the penalty therein mentioned to execute and perform such works, and recover the expenses thereof from the owner either by action at law or in a summary manner before a Justice, at the option of the vestry or board.

Where
owners of
courts, etc.
omit to drain
and pave,
vestry or
district board
may perform
the works,
charging
expenses to
owner.

82. In every case in which any company or person shall be liable under the firstly-recited Act to reinstate the pavement, surface, or soil of any street under the control of any vestry or district board which may have been broken up or opened, or to repay to such vestry or board the expenses of reinstating the pavement, surface, or soil of any street, every such company or person shall be liable to reinstate the pavement, surface, or soil, or to pay the expenses of reinstating the pavement, surface, or soil of such parts of the street as shall have been so broken up or opened, as well as of the part or parts contiguous thereto which may be affected by the works of such company or person, to the reasonable satisfaction of the surveyor for the time being of the vestry or district having control over the pavements in such parish or district. [See 18 & 19 Vict. *c.* 120, *ss.* 109—115, and notes thereon.]

Reinstatement of pavement broken up by works of companies etc.

83. The Metropolitan Board of Works may, in order to secure the efficient maintenance of the main and general sewerage of the

Metropolitan
Board may
make bye-laws for

* Repealed by the St. Pancras Order in Council 1901, made under 62 & 63 Vict. *c.* 14.

guidance of
vestries, etc.
in construc-
tion of
sewers.

metropolis, from time to time make, alter, and repeal byelaws for the guidance, direction, and control of the vestries of parishes in Schedule A. to the firstly-recited Act, district boards, and all other persons, in relation to the levels, dimensions, construction, maintenance, ventilation, and cleansing of sewers in their respective parishes, districts, or parts, and for the other objects enumerated in the one hundred and thirty-eighth section of the firstly-recited Act, subject in all respects to the several provisions relating to byelaws contained in the two hundred and second section of the said Act; but this provision shall only extend to the city of London and the liberties thereof, so far as regards the main drainage of the metropolis. [*See* 18 & 19 *Vict. c.* 120, *s.* 138, and 62 & 63 *Vict. c.* 15, *s.* 3.]

Vestries, etc.
may stop up
streets during
execution of
works.

84. It shall be lawful for any vestry or district board . . . to close or stop up any street within their parish or district during the execution of any paving, sewerage, or other works by such vestry or board in such street, and to keep the same closed and stopped up for such time as shall be necessary in that behalf. . . . [*See also s.* 21. *Parts omitted (as to sanction of the Metropolitan Board of Works to such stopping up) rep.* 62 & 63 *Vict. c.* 14, *s.* 35.]

85. [*Height of buildings. Rep.* 57 & 58 *Vict. c.* ccxiii. *s.* 215. *See ibid.* *s.* 47.]

Metropolitan
Board may
place road-
way, foot-
paths, etc. in
different
parishes or
districts
under man-
agement of
one vestry
or district
board.

86. Where in any street the roadway and footpaths or either of them are or is situate in more than one parish or district, or where the whole of the roadway and footpaths of any street are situate in one parish or district, and the whole or any part of the houses and buildings abutting on such roadway or footpaths are situate in another parish or district, in either of the said cases it shall be lawful for the Metropolitan Board of Works, should they deem it convenient and proper so to do, to order that any such roadway and footpaths shall, for the purposes of sewerage, drainage, paving, and lighting, or any of them, be under the exclusive management of the vestry or district board of one of the said parishes or districts and to order and direct in what proportions the costs of constructing and maintaining any new sewer or drain in such street, or of the reconstruction, reparation, or maintenance of any existing sewer or drain therein, or of the paving or making up or lighting of the roadway or footpaths thereof, and the repair and maintenance of such roadway or footpaths, shall be borne and defrayed by the vestry or board of each parish or district, and the decision of the said Metropolitan Board thereon shall be final and conclusive; and in case of default by any vestry or board liable under any such order to any such payment, the vestry or district board entitled thereto may sue for and recover the amount thereof from the vestry or board so making default by action at law. [*See* 18 & 19 *Vict. c.* 120, *ss.* 149 and 160.]

87. [*Naming of streets. Rep.* 57 & 58 *Vict. c.* ccxiii. *s.* 215. *See ibid.* *ss.* 32—36.]

Persons
omitting to
give notice
required by
section 76 of
18 & 19 *Vict.*
c. 120. liable
to penalty.

88. If any person shall, without having given the notice directed by the seventy-sixth section of the firstly-recited Act, begin to lay the foundation of any new house or building within any parish mentioned in Schedule A. of the said Act, or any district in Schedule B. of the said Act, or to make any drain for the purpose of draining either directly or indirectly into any sewer under the jurisdiction of the vestry or board of such parish or district, he shall

become liable to a penalty for every such offence not exceeding five pounds, and to a continuing penalty of forty shillings for each and every day during which he shall omit to give the notice directed by the said Act.

89. [*Wrongful collection of ashes, etc.* Rep. 54 & 55 Vict. c. 76, s. 142. See *ibid.* s. 34.]

90. Every person who shall affix or cause to be affixed any bill, notice, or paper against, or deface or disfigure any street post, lamp post, pump, or building vested in any board or vestry, or who shall remove, deface, or injure any notice board placed or set up by order of any board or vestry, or who shall pull down, obliterate, or deface any notice set up or affixed by order of any board or vestry shall for every such offence forfeit a sum not exceeding forty shillings, to be recovered before a Justice by a summary proceeding. [*See also* 2 & 3 Vict. c. 47, s. 54 (10).] Penalties for affixing bills on lamp posts, notice boards, etc.

91. [*Keeping swine in improper situations.* Rep. 54 & 55 Vict. c. 76, s. 142. See *ibid.* ss. 17 and 18.]

92. [*Repeal of s. 131 of 18 & 19 Vict. c. 120, and s. 35 of the Metropolitan Cattle Market Act 1857.* Rep. 38 & 39 Vict. c. 66 (S.L.R.).]

93—95. [*Licensing of cowhouses—Removal of manure.* Rep. 54 & 55 Vict. c. 76, s. 142. See *ibid.* ss. 20, 35, and 36.]

96. . . . It shall be lawful for any vestry or district board, at their discretion, to require the payment of any costs or expenses which the owner of any premises may be liable to pay under the said recited Act or this Act either from the owner or from any person who then or at any time thereafter occupies such premises, and such owner or occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by the recited Act and this Act: and the owner shall allow such occupier to deduct the sums of money which he so pays out of the rent from time to time becoming due in respect of the said premises as if the same had been actually paid to such owner as part of such rent: Provided always, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after such demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuse, on application being made to him for that purpose by or on behalf of the vestry or district board, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable, but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier: Provided also, that nothing herein contained shall be taken to affect any contract made or to be made between any owner and occupier of any house, building, or other property, whereof it is or may be agreed that the occupier shall pay and discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to effect any contract whatsoever between landlord and tenant. [*Part omitted (repeal of ss. 217, 218, and 219 of 18 & 19 Vict. c. 120) rep. 56 & 57 Vict. c. 54 (S.L.R.). See also 54 & 55 Vict. c. 76, s. 121; and 57 & 58 Vict. c. cexiii. s. 173.*] Vestry or district board may require payment of costs or expenses from owner or occupier, and occupier paying to deduct from rent.

Agreements between landlord and tenant not to be affected.

Deduction
by owners
paying rent
where amount
of expenses
deducted
from rent
paid to him.

97. If the owner or landlord of any premises from whose rent any amount shall be deducted in respect of any costs, charges, or expenses payable under the firstly-recited Act or this Act shall hold the premises in respect of which the amount of such costs, charges, or expenses shall be paid at a rent not less than the rackrent, he shall be entitled to deduct the whole amount paid by him on account of such costs, charges, or expenses from the rent payable by him to his superior landlord; and if he holds at a rent less than the rackrent, he shall be entitled to deduct from the rent so payable by him a sum bearing the same proportion to the amount so paid by him on account of such costs, charges, or expenses as his rent shall bear to the rackrent; and if the owner or landlord from whose rent any deduction be made under the provision last aforesaid be himself liable to the payment of rent for the premises in respect of which the deduction shall be made, and hold such premises for a term of which less than twenty-one years shall be unexpired, but not otherwise, he may deduct from the rent so payable by him a sum bearing the same proportion to the sum deducted from the rent payable to him as the rent payable by him shall bear to the rent payable to him, and so on in succession with respect to every landlord of the same premises both receiving and liable to pay rent in respect thereof, and holding the same for a term of which less than twenty-one years shall be unexpired as aforesaid: Provided always, that nothing herein contained shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him: Provided also, that nothing herein contained shall be taken to affect any contract made or to be made between any owner or occupier of any house, building, or other property whereof it is or may be agreed that the occupier shall pay and discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord and tenant. [*See also 54 & 55 Vict. c. 76, s. 121; and 57 & 58 Vict. c. cxxiii. s. 173.*]

98—99. [*Width of streets. Rep. 57 & 58 Vict. c. cxxiii. s. 215. See ibid. ss. 6—21.*]

Power to
vestries, etc.
to borrow
moneys for
the improve-
ment of
streets.

100. It shall be lawful for every vestry and district board mentioned in clause one hundred and eighty-three of the first-recited Act to exercise the power to borrow moneys therein mentioned, with the sanction of the Metropolitan Board of Works granted under their common seal, for the purpose of enabling such vestry or district board to make, extend, widen, alter, or improve any street, road, or way, for facilitating the passage and traffic within the parish or district for which such vestry or district board is appointed, or for the purpose of contributing to and of joining with the Metropolitan Board or with any other board or persons in any such improvement.

101. [*Inspectors of weights and measures. Rep. by the Weights and Measures Act 1878, s. 86. See ibid. s. 55.*]

Penalties may
be recovered
in manner
provided by
11 & 12 Vict.
c. 43.

102. Every penalty or forfeiture imposed by this Act, and made recoverable by a summary proceeding, may be recovered before any Justice of the Peace, in manner provided by the Act of the session holden in the eleventh and twelfth years of Her Majesty, chapter forty-three.

103. [*Expenses of obtaining Act. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

104. The provision in the two hundred and twenty-seventh section of the firstly-recited Act for the recovery of penalties and forfeitures imposed by the said Act is hereby extended to any damages, costs, or expenses payable or recoverable under the said recited Acts or this Act; and any such damages, costs, or expenses, the recovery whereof is not otherwise provided for, may be recovered by summary proceedings in manner directed by the said section.

Provision as to penalties under 227th section of 18 & 19 Vict. c. 120, extended to damages, etc.

105. . . . All penalties or forfeitures payable or recoverable under the firstly-recited Act or this Act, . . . shall go and be paid in manner herein-after mentioned, anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty, chapter seventy-one, or in any other Act or Acts to the contrary notwithstanding: that is to say, one half shall go to the informer, and the remainder shall go to the vestry or district board of the parish or district in which the offence was committed, or to the Metropolitan Board of Works, in case the injury shall have been sustained by or the offence committed in respect of that Board; or if such vestry or district board or the Metropolitan Board of Works be the informers, then the whole of the penalty recovered shall go to them respectively, and all sums which shall go to or be recovered by any board or vestry on account of any penalty or forfeiture shall be paid to their treasurer or into such bank to their account as they may direct, and shall be applicable towards the general expenses of such board or vestry; provided that in every case where any board or vestry are liable to any penalty or forfeiture, the whole of such penalty or forfeiture shall go to the informer. [*Parts omitted (repeal of s. 234 of 18 & 19 Vict. c. 120 and as to penalties under the Nuisances Removal Act 1855*) rep. 56 & 57 Vict. c. 54 (S.L.R.) and 54 & 55 Vict. c. 76, s. 142. See 2 & 3 Vict. c. 71, s. 34.*]

Application of penalties.

106. [*Notice of action, etc. Rep. 56 & 57 Vict. s. 61 (q.v.). See Appendix.*]

107. . . . No person shall be liable for the payment of any penalty or forfeiture under the recited Acts or this Act, or any bye-law made by virtue thereof, for any offence made cognizable before a Justice, unless the complaint respecting such offence have been made before such Justice within six months next after the commission or discovery of such offence. [*Part omitted (repeal of s. 233 of 18 & 19 Vict. c. 120) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Penalties to be proceeded for within six months.

108. [*Act not to apply to things done before its passing. Rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

109. Nothing in this Act contained shall be held to make the several places named in Schedule (C.) of the firstly-recited Act liable to any payment or assessment to which they would not have been liable if this Act had not been passed.

No further liability to attach to places named in Sched. (C.) of 18 & 19 Vict. c. 120.

110. The said recited Acts and this Act shall be construed together as one Act.

Acts to be construed as one Act.

111. [*Short title. Rep. 56 & 57 Vict. c. 54 (S.L.R.). See the Short Titles Act 1896.*]

112. In the construction of the recited Acts and this Act the term "metropolis" shall be deemed to include the city of London and the parishes and places mentioned in the Schedules (A.), (B.), and (C.) to the firstly-recited Act; the word "drain" shall be deemed

Interpretation of terms.

to apply to and include the subject matters specified in the two hundred and fiftieth section of the firstly-recited Act, and also any drain for draining a group or block of houses by a combined operation, laid or constructed before the first day of January one thousand eight hundred and fifty-six, pursuant to the order or direction or with the sanction or approval of the Metropolitan Commissioners of Sewers; the expression "water company" shall mean and include any of the companies enumerated in the Twenty-ninth section of the Act of the session of the fifteenth and sixteenth years of the reign of Queen Victoria, chapter eighty-four,* for the making better provision respecting the supply of water to the metropolis, and also any other company, board, or commission, association, person, or partnership, corporate or unincorporate, for the time being supplying the metropolis or any part thereof with water for domestic use; the word "cattle" shall include sheep, lambs, and swine; the word "street" shall be deemed to apply to and include the subject matters specified in the two hundred and fiftieth section of the firstly-recited Act, and also any mews and a part thereof; the expression "new street" shall apply to and include all streets hereafter to be formed or laid out, and a part of any such street, and also all streets, the maintenance of the paving and roadway whereof had not, previously to the passing of this Act, been taken into charge and assumed by the commissioners, trustees, surveyors, or other authorities having control of the pavements or highways in the parish or place in which such streets are situate, and a part of any such street, and also all streets partly formed or laid out; the word "pave" shall apply to and include the formation of the roadway or footway of any street; the word "clerk" shall include any officer called or to be called "secretary;" the word "surveyor" shall include any officer called or to be called "engineer;" the word "print" shall apply to and include every mode of taking impressions, whether by letter press, stereotype, lithography, or otherwise. [*See also 53 & 54 Vict. c. 66, s. 3, and 2 Edw. 7, c. 41.*]

113. [*Finsbury Park Act 1857 continued till 1863. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

114. [*Payment of auditors. Rep. in part 38 & 39 Vict. c. 66 (S.L.R.). Remr. superseded 51 & 52 Vict. c. 41, s. 71 (3).*]

115. [*Transfer of powers of committee of management under 10 Geo. 4, c. lxxviii.† respecting the parish of Saint Paul, Covent Garden, to the vestry of that parish. Spent.*]

116. [*Saving the rights of the Crown and the Duchy of Lancaster.*]

117. [*Saving the rights of the Crown in respect of the Duchy of Cornwall.*]

SCHEDULES to which this Act refers.

SCHEDULE A. [*List of certain securities and liabilities of Metropolitan Commissioners of Sewers. Rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

SCHEDULE B. [*Apportionment of debt on loan from the Clergy Mutual Assurance Society. Spent.*]

SCHEDULE C. [*Form of assessment. Spent. See 32 & 33 Vict. c. 102, s. 22. Forms of precept, rep. 62 & 63 Vict. c. 14, s. 35.*]

* See Appendix.

† Rep. by the Westminster Order in Council 1901, made under 62 & 63 Vict. c. 14.

26 & 27 VICTORIA. A.D. 1863.

CHAPTER 45.

AN ACT FOR MAKING A NEW STREET FROM BLACKFRIARS TO THE MANSION HOUSE IN THE CITY OF LONDON IN CONNEXION WITH THE EMBANKMENT OF THE RIVER THAMES ON THE NORTHERN SIDE OF THAT RIVER; AND FOR OTHER PURPOSES.

[13th July 1863.]

[*Preamble recites 24 & 25 Vict. c. 42,* and that under 25 & 26 Vict. c. 93, the Metropolitan Board of Works (in this Act called the Board†) were authorized to make the embankment therein mentioned, and the deposit of plans showing the intended new street and works with the Clerk of the Peace for the City of London.*]

Works.

1. The Board may, in the situation and line, and according to the levels, and within the limits of deviation, and on the lands, defined in the deposited plans, sections, and book of reference, make the street herein-after described; namely,—

Power to Board to make new street.

A street commencing in the precincts of Whitefriars and Bride-well, and parishes of Saint Bridget otherwise Saint Bride, and Saint Ann Blackfriars, or some or one of them, in the city of London, in or out of New Bridge Street, at or near the portion of New Bridge Street called Chatham Place, and terminating in the parishes of Saint Mary Woolchurch Haw and Saint Mildred Poultry, or one of them, in the city of London, at or in the streets called the Poultry, Mansion House Street, and Charlotte Row, in the city of London, at or near the Mansion House :

which is herein-after referred to as the new street.

2. [*As to works connected with the new street. Spent.*]

3. The Board shall widen the street called Bennett's Hill, so that the same may, at its junction with the new street, and to the extent of the property purchased by the Board abutting on Bennett's Hill, be of the width of thirty-five feet at the least; and the Board shall also widen the street called Queen Street, Cheapside, so that such street may, to the extent of the property purchased by the Board abutting on that street, be of the width of fifty feet at the least.

As to widening Bennett's Hill and Queen Street, Cheapside.

4—8. [*Power to deviate—Provision as to concurrent powers of purchase of lands—As to junction between the new street and the approach to New Blackfriars Bridge authorized by the Blackfriars Bridge Act 1863—Alteration of gas and water pipes. Spent.*]

9. The Board may make under the new street an arched passage or covered way, herein-after called the sub-way, for such purposes as they think fit, with all communications, works, and things necessary or proper for the convenient use thereof: and the same sub-way, communications, works, and things shall be deemed part of the works authorized by this Act, and the same shall (notwithstanding anything herein contained) belong to and be vested in the Board, and shall be maintained and repaired by the Board in manner provided

Power to make subway.

* Rep. 55 & 56 Vict. c. 19 (S.L.R.).

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (S.).

by section twenty-two of the Embankment Act of 1862, respecting the embankment therein mentioned; and the Board may permit the use of the sub-way for the purpose of the laying down of gas or water pipes, or telegraphic wires, or for any other like works or purpose, on such terms and conditions and for such period as the Board and any company or person may mutually agree; and the Board may sell, convey, or demise any right to any company or person for any of the purposes aforesaid, and may make such stipulations for preventing injury to the adjoining property, and for the security of the public, as the Board think proper, and may agree to refer to arbitration any matter in difference under the present provision. [*See also 56 & 57 Vict. c. cclii.*]

10. [*Power to the Board to lay out footways. Spent.*]

11. [*Ground laid into new street to form part thereof and to be under the care of the Commissioners of Sewers for the City of London.**]

12—19. [*Power to take lands—Incorporation of Lands Clauses Acts—Incorporation of ss. 23, 24, and 40 of 25 & 26 Vict. c. 93—Power to purchase and extinguish easements—Interference with sewers—Custody and inspection of deposited plans till completion of works—Time for compulsory purchase limited to five years—For protection of the Equitable Assurance Company, the Principal Probate Registry, and the Probate Court. Spent.*]

Sections 32
to 38 of
25 & 26 Vict.
c. 93 incor-
porated.

20. There shall be incorporated with this Act sections thirty-two to thirty-eight (both inclusive) of the Embankment Act of 1862 (relating to leases and sales of land by the Board, and to the application of money arising therefrom, and to matters connected therewith respectively); and for this purpose the term "this Act" and terms of reference thereto, used in any of the sections last enumerated, shall be taken to mean or refer to the present Act. [*Rep. (so far as relates to incorporation of s. 27) 32 & 33 Vict. c. 102, s. 50; and see notes on sections incorporated.*]

As to certain
lands required
for widening
side streets.

21. Before the Board sell any superfluous lands adjoining any public street under the control of the Commissioners of Sewers,* the Board shall give notice to such Commissioners, and such Commissioners may within two months after such notice require the Board to sell to them such quantity of land as may be necessary for widening any such street to a width not exceeding thirty-five feet; and the provisions of the thirty-fifth section of the Embankment Act of 1862, shall not extend to any such lands in respect of which such requisition may be made by the said Commissioners, and the price shall in case of dispute be settled in manner provided by the thirty-sixth section of such Act. [*See the City of London Sewers Act 1897.*]

Money.

22—23. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

Miscellaneous.

24—25. [*As to compensation. Spent.*]

Sections 50
to 52 of
25 & 26 Vict.
c. 93 incor-
porated.

26. There shall be incorporated with this Act sections fifty, fifty-one, and fifty-two of the Embankment Act of 1862 (relating to the application of penalties, and to actions, and to matters connected therewith respectively); and for this purpose the term "this Act,"

* See the City of London Sewers Act 1897.

and terms of reference thereto, used in any of the sections last enumerated, shall be taken to mean or refer to the present Act. [See notes on sections incorporated.]

27. The Board shall have and may exercise, for and in the execution of this Act, all such powers, privileges, and authorities as are conferred on the Board by the Acts constituting and regulating the Board (save that the Board shall not apply any money raised under those Acts in or towards the construction or execution of any work authorized by this Act), and, as far as may be, the provisions of those Acts shall apply for the purposes and in the execution of this Act. . . . [Part omitted (incorporation of s. 7 of 25 & 26 Vict. c. 93) superseded. See note on that section.]

Extension to this Act of general powers of Board.

28. [Saving the rights of the Commissioners of Sewers* of the City of London.]

29. This Act may be cited as "The Metropolis Improvement Act, 1863." Short title.

30. [Expenses of obtaining and executing Act. Spent in part. Remr. superseded 51 & 52 Vict. c. 41.]

CHAPTER 75.

AN ACT FOR THE EMBANKMENT OF PART OF THE RIVER THAMES, ON THE SOUTH SIDE THEREOF, IN THE PARISH OF SAINT MARY LAMBETH, AND FOR OTHER PURPOSES. [28th July 1863.]

[Preamble recites 24 & 25 Vict. c. 42,† and that under 25 & 26 Vict. c. 93, and 26 & 27 Vict. c. 45, the Metropolitan Board of Works (in this Act called the Board‡) were authorized to make certain embankments therein mentioned, and that plans sections and book of reference of new works had been deposited with the Clerk of the Peace for Surrey.]

Works.

1. The Board may, in the situations and lines, and according to the levels, and within the limits of deviation, and on the lands, defined in the deposited plans, sections, and book of reference, make and execute the embankment and works herein-after described: namely,

Power to make works according to deposited plans.

(1.) An enlargement of the bed of the River Thames, by an excavation of the land, and removal of the wharf walls and premises from or near Gunhouse Alley near to the London Gasworks to or near Broad Street, all in the parish of Saint Mary Lambeth:

Works authorized.

(2.) An embankment on the right bank of the Thames in the parish of Saint Mary Lambeth, commencing at or near Gunhouse Alley, and ending at Westminster Bridge:

(3.) A new street, to be wholly situate in the parish of Saint Mary Lambeth, from Palace New Road to Bishop's Walk:

(4.) The widening of Palace New Road within the limits of deviation in continuation of such last-mentioned street:

(5.) A new street, to be wholly situate in the parish of Saint Mary Lambeth, commencing in and out of the roadway on the

* See the City of London Sewers Act 1897.

† Rep. 55 & 56 Vict. c. 19 (S.L.R.).

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

before-mentioned intended embankment, and terminating at or near Vauxhall Row :

(6.) The reclaiming or inclosing of a portion of the bed or foreshore of the River Thames.

Public footway along the embankment.

2. The Board shall lay out and maintain a public footway of not less than twenty feet in width on and along the said embankment from Westminster Bridge to the point where the intended street to Vauxhall Row diverges from the embankment roadway.

3. [*As to auxiliary works. Spent.*]

Power to Board to construct or provide barge beds, etc.

4. For the purpose of diminishing so far as practicable inconvenience to the wharfingers, warehousemen, and others having wharfs or premises on the line of the embankment, or having rights of way, easements, or other access to the river, the Board may construct or provide, and afterwards maintain, alter, or improve, all such barge beds, receptacles, recesses, cuts, and basins, and all such other conveniences for loading and unloading goods from barges, lighters, and boats, with entrances or passages or means of access to and from the Thames under the embankment, and all such slips, hards, landing places, jetties, wharves, yards, approaches, and other conveniences and works connected therewith, as the Board may think proper, for the accommodation and use of wharfingers, warehousemen, and other persons carrying on trade or business in the neighbourhood of the Embankment, and may set apart and appropriate for the purposes of the present section any land acquired or reclaimed by the Board under this Act, and may enter into and carry into effect such agreements as the Board thinks fit with any wharfingers, warehousemen, and other persons with reference to the construction, providing, maintenance, alteration, improvement, or use of any such work or convenience as aforesaid.

5. [*Power to deviate. Spent.*]

6—7. [*For protection of the Lambeth Bridge Company. Spent; see 40 & 41 Vict. c. xcix.*]

8. [*Maintenance of existing draw docks at Broad Street and Ferry Street. Rep. 31 & 32 Vict. c. cxi. s. 17.*]

Sections 16, 19, 20, 21, and 22 of 25 & 26 Vict. c. 93 incorporated.

9. There shall be incorporated with this Act sections sixteen, nineteen, twenty, twenty-one, and twenty-two of the Embankment Act of 1862 (relating to the raising of materials from the bed of the Thames, and to the approval of plans and elevations by the Conservators, and to the exhibition of lights during the construction of the works, and to the substitution of piers and other conveniences, and to the maintenance and repair of the embankment, and to matters connected therewith respectively); and for this purpose the respective terms "this Act" and "the said embankment," and terms of reference thereto respectively, used in any of the sections last enumerated, shall be taken to mean or refer to the present Act and the Embankment by the present Act authorized. [*Spent as regards incorporation of ss. 16, 19 and 20. See notes on sections incorporated.*]

10—13. [*Power to take places for depositing materials—As to approval of certain works by the Board of Trade—Alteration of gas and other pipes—Power to set out footways. Spent.*]

Ground laid open into streets to form part thereof.

14. When the roadway, new streets, and approaches aforesaid respectively are completed, of which completion a certificate signed by the chairman of the Board, and delivered to the Clerk of the

Peace for the County of Surrey,* shall be for all purposes conclusive evidence, all the ground laid open into the same respectively shall be deemed to form part thereof respectively, and may be used by the public accordingly; and thenceforth the same roadway, new streets, and approaches, with the sole power, authority, and duty of paying, repairing, cleansing, lighting, and watching the same, and of rating hereditaments within the same respectively, shall be under the care, management, control, and jurisdiction of the same vestries, board, district boards, commissioners, or persons as the other streets in the parishes, districts, or places in which the same respectively are situate. [*Amended 36 Vict. c. vii. s. 2. See also 35 & 36 Vict. c. lxxvi. s. 3, and note thereon.*]

Streets to be under management of vestries, etc.

Lands.

15. [*Power to take lands—Incorporation of Lands Clauses Acts. Spent.*]

16. [*No part of Lambeth Bridge to be taken. Spent; and see 40 & 41 Vict. c. xcix.*]

17—20. [*Incorporation of ss. 23, 24, and 40 of 25 & 26 Vict. c. 93—Purchase and extinguishment of easements—Custody and inspection of deposited plans during works—Time for compulsory purchase of lands limited to 7 years. Spent.*]

21. There shall be incorporated with this Act section twenty-seven and sections thirty-two to thirty-four (both inclusive), and section thirty-seven of the Embankment Act of 1862 (relating to appropriation by the Board in respect of loss of river frontage, and to leases and sales by the Board, and to the application of money arising therefrom, and to matters connected therewith respectively); and for this purpose the term "this Act," and words of reference thereto, used in any of the sections last enumerated, shall be taken to mean or refer to the present Act: and the said section twenty-seven shall be read as if the words "right bank" were therein substituted for the words "left bank." [*Rep. (so far as relates to incorporation of s. 37) 32 & 33 Vict. c. 102, s. 50. Spent as regards incorporation of s. 27; and see notes on sections incorporated.*]

Sections 27, 32 to 34, and 37 of 25 & 26 Vict. c. 93 incorporated.

22—23. [*Power to Duchy of Cornwall to make grants of lands—Mode of ascertaining value of interest of Crown and Thames Conservators in certain lands. Spent.*]

24. [*Saving the rights of the Crown.*]

25. [*Saving the rights of the Commissioners of Works.*]

Money.

26—29. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

30—31. [*Power to charge rates as collateral security—Separate accounts and repayment of advances. Spent; and see 32 & 33 Vict. c. 102.*]

Miscellaneous.

32. [*As to compensation. Spent.*]

33. [*Incorporation of ss. 48—52 of 25 & 26 Vict. c. 93. See notes on sections incorporated.*]

34. The Board shall have and may exercise for and in the execution of this Act all such powers, privileges, and authorities as are conferred on the Board by the Acts constituting and regulating the

Extension to this Act of general powers of Board.

* See 51 & 52 Vict. c. 118 (10).

Board (save that the Board shall not, except as herein provided, apply any money raised under those Acts in or towards the construction or execution of any work authorized by this Act), and as far as may be the provisions of those Acts shall extend and apply for the purposes and in the execution of this Act. . . . [*Part omitted (incorporation of s. 7 of 25 & 26 Vict. c. 93) superseded. See note on that section.*]

35—36. [*Saving the rights of the Thames Conservators and of the Duchy of Cornwall.*]

37. [*Saving the rights of the Commissioners of Works in respect of Westminster Bridge and of the Lambeth and Vauxhall Bridge Companies. Spent; see 40 & 41 Vict. c. xcix., and 50 & 51 Vict. c. 34.*]

Short title.

38. This Act may be cited as The Thames Embankment Act, 1863.

39. [*Expenses of obtaining and executing Act. Spent in part. Remr. superseded 50 & 51 Vict. c. 41, part iv.*]

27 & 28 VICTORIA. A.D. 1864.

CHAPTER 55.

AN ACT FOR THE BETTER REGULATION OF STREET MUSIC WITHIN THE METROPOLITAN POLICE DISTRICT. [25th July 1864.]

[*Preamble (reciting 2 & 3 Vict. c. 47, s. 57) rep. 56 Vict. c. 14 (S.L.R.).*]

Repeal of recited provision, and substitution of amended provision.

1. . . . The following provision shall take effect as part of the said Act ; namely, any householder within the metropolitan police district, personally, or by his servant, or by any police constable, may require any street musician or street singer to depart from the neighbourhood of the house of such householder, on account of the illness, or on account of the interruption of the ordinary occupations or pursuits of any inmate of such house, or for other reasonable or sufficient cause ; and every person who shall sound or play upon any musical instrument or shall sing in any thoroughfare or public place near any such house after being so required to depart, shall be liable to a penalty not more than forty shillings, or, in the discretion of the Magistrate before whom he shall be convicted, may be imprisoned for any time not more than three days, and it shall be lawful for any constable belonging to the Metropolitan Police Force to take into custody without warrant any person who shall offend as aforesaid : Provided always, he shall be given into custody by the person making the charge : Provided also, that the person making a charge for an offence against this Act shall accompany the constable who shall take into custody any person offending as aforesaid to the nearest police station house, and there sign the charge sheet kept for such purpose. [*Part omitted (repeal of s. 57 of 2 & 3 Vict. c. 47) rep. 56 Vict. c. 14 (S.L.R.).*]

Treatment of charge brought to police court while shut.

2. Whenever any person charged with an offence under this Act shall be brought to any station house during the time when the police court shall be shut, it shall be lawful for the constable

in charge of the station house to require the person making the charge to enter into a recognizance, conditioned as is provided by the Act passed in the second and third years of Her Majesty, chapter forty-seven, section seventy-two: and upon the refusal of such person to do so it shall be lawful for such constable to discharge from custody the person so charged.

CHAPTER 116.

*AN ACT TO MAKE PROVISION FOR DISTRIBUTING THE CHARGE OF RELIEF OF CERTAIN CLASSES OF POOR PERSONS OVER THE WHOLE OF THE METROPOLIS. [29th July 1864.]

[*Preamble rep. 56 Vict. c. 14 (S.L.R.).*]

1—2. [*Metropolitan Board of Works to reimburse the guardians of every union or parish wholly or partly within the metropolis monies expended by them in the relief of destitute wayfarers. Rep. 30 & 31 Vict. c. 6, s. 60.*]

3. The relief to which this Act shall apply shall include food and articles of necessity supplied by the said guardians, or by their relieving or other officer, or by any metropolitan police constable authorized by them in such behalf, and also the cost of lodging or shelter hired or temporarily provided for any such poor person, but not money given to him. What relief to be reimbursed.

4. Where the guardians shall have provided proper wards or other places of reception for this class of poor, and the same shall have been approved of by the Poor Law Board,† they may include as part of the expense incurred by them in the relief of these poor persons such sum in respect of each pauper as the Poor Law Board shall from time to time allow for the cost and expense of temporarily providing and maintaining such wards or other places. [*See also 30 & 31 Vict. c. 6, s. 69.*] Provision for the case where vagrant wards established.

5. Where no adequate accommodation exists, the guardians shall provide within their respective unions or parishes such wards or other places of reception for destitute wayfarers and foundlings as the Poor Law Board,† having regard to the number of persons likely to require relief therein respectively, shall direct. In default of making such provision, and until the same has been made, the Guardians of the union or parish so making default shall not be entitled to the benefit of this Act. [*See also 34 & 35 Vict. c. 108, s. 9.*] Guardians to provide proper casual wards.

6. [*Act not to apply to expenditure for relief after Lady Day 1865. Rep. 28 & 29 Vict. c. 34, s. 1.*]

7. The several words used in this Act shall be construed as in the Act of the fourth and fifth William the Fourth, chapter seventy-six,‡ and the subsequent Acts explaining and extending the same, and the provisions thereof not inconsistent with anything herein contained shall be incorporated herewith. Interpretation of words.

8. This Act may be cited for all purposes as the “Metropolitan Houseless Poor Act, 1864.”

* This Act was extended and made perpetual by 28 & 29 Vict. c. 31.

† Now the Local Government Board. See the Local Government Board Act 1871.

‡ I.e. the Poor Law Amendment Act 1834.

CHAPTER IV.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO PROVIDE A PUBLIC PARK FOR THE SOUTH-EASTERN DISTRICTS OF THE METROPOLIS, TO BE CALLED SOUTHWARK PARK.

[28th April 1864.]

[Preamble.]

Short title.

1. *[Incorporation of Lands Clauses Acts. Spent.]*

2. In citing this Act for any purpose it shall be sufficient to use the expression "The Southwark Park Act, 1864."

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction: (that is to say.)

The word "streets" includes streets, courts, or alleys, highways, lanes, roads, thoroughfares, or public passages or places:

The expression "the park" means the park and the lands, lodges, buildings, roads, and communications acquired and made or erected by the Board for the purposes of the park:

The expression "the Board" means the Metropolitan Board of Works.*

[Part omitted (as to meanings of words in Acts incorporated. Spent.)]

4—6. *[Board to execute Act—Power to act by committee—Persons interested not eligible for committee. Superseded by the Municipal Corporations Act 1882 (see Appendix), s. 22: and 51 & 52 Vict. c. 41, ss. 40 and 75.]*

Power to form and maintain the park.

7. It shall be lawful for the Board and they are hereby empowered to provide, form, and maintain a park or enclosure for the use, recreation, and enjoyment of the public, to be called "Southwark Park," situate in the parish of Saint Mary, Rotherhithe, in the county of Surrey.†

8. *[Power to take lands shown on deposited plan. Spent.]*

Power to lay out, plant, and enclose the park, and purchase buildings, etc.

9. The Board shall lay out, plant, and enclose the said park, and build any lodge or lodges or other ornamental buildings therein, and in such manner as they shall think fit, and may cause any of the buildings which shall be on the lands so to be purchased to be pulled down, and apply the produce of the sale of the materials for any of the purposes of this Act. *[See also 50 & 51 Vict. c. cvi. s. 50: and 58 & 59 Vict. c. cxxvii. s. 45.]*

10. *[Power to appoint officers for purposes of Act. Superseded by the Municipal Corporations Act 1882, ss. 19 and 20 (see Appendix): and 51 & 52 Vict. c. 41, s. 75.]*

11—14. *[As to by-laws. Superseded. See 40 Vict. c. viii. ss. 3, 4, and 10: 53 & 54 Vict. c. cexliiii. ss. 14-21: and 61 & 62 Vict. c. cxxxi. s. 61.]*

Management of the park to be in the Board.

15. The maintaining and keeping in order the said park and otherwise regulating and improving the same shall be under the care, management, and control of the said Board, and the said Board shall have and exercise all the powers and authorities given by this Act.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (5).

† Now the County of London. See 51 & 52 Vict. c. 41, s. 40 (2).

16. [*Expenses of obtaining and of executing Act. Spent in part ; remr. superseded 51 & 52 Vict. c. 41, part iv.*]

17. [*Officers of the Board not to be interested in contracts. See 18 & 19 Vict. c. 120, s. 64, which is practically identical and seems to apply to this Act.*]

18. [*Stopping up ways during formation of park. Spent.*]

19. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

20. [*Power to the Board to alter water or gas pipes. Spent.*]

21—30. [*Errors and omissions in plans—Powers of compulsory purchase of lands limited to 5 years—Section 133 of Lands Clauses Act 1845 not incorporated—Deficiencies of land tax during execution of works—Board to sell lands not wanted within 10 years—Power to the Board to grant building leases of lands not wanted—Ground rents and reversion thereof to be sold—Power to sell such land without previously leasing—Receipts of Board to be effectual discharges. Spent.*]

31. Borrowing powers—Rep. in part 32 & 33 Vict. c. 102, s. 50 ; remr. superseded by the London County Council (Money) Acts 1875-1904.]

32—39. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

40. [*Application of monies to be borrowed. Spent. See 32 & 33 Vict. c. 102, s. 3.*]

41. The Board may enter into all such contracts as they may think fit for forming and providing the said park, conveniences, and matters by this Act authorized to be provided, and for any others in relation to the purposes of this Act, in respect of which it may appear to the Board expedient to enter into contracts.

Power to
Board to
contract.

42. [*Accounts. Superseded 51 & 52 Vict. c. 41, s. 71.*]

SCHEDULE. [*Forms of bond and of annuity security. Spent. See 32 & 33 Vict. c. 102, s. 34.*]

CHAPTER CXXXV.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO PURCHASE ADDITIONAL LANDS AND TO MAKE FURTHER IMPROVEMENTS IN THE PARISH OF SAINT MARY, LAMBETH, IN THE COUNTY OF SURREY, FOR THE PURPOSES OF "THE THAMES EMBANKMENT ACT, 1863." [30th June 1864.]

[*Preamble recites 26 & 27 Vict. c. 75 (in this Act called "the Act of 1863") and the deposit of a plan and book of reference with the Clerk of the Peace for Surrey.*]

1. This Act may be cited for any purpose as "Thames short title. Embankment Amendment Act, 1864."

2. [*Expressions in Acts incorporated to have same meanings in this Act. Spent.*]

3. [*Power to Board to take lands shown on deposited plans—Incorporation of Lands Clauses Acts. Spent.*]

Power to
make works
according to
deposited
plans.

Works
authorized.

4. The Board may, in the situation and lines, and within the limits of deviation, and on the lands defined on the deposited plan and described in the book of reference thereto, and according to the levels shown on the deposited section, make and execute the works herein-after described; namely,

The improvement of the approaches to Palace New Road in continuation of the improvements authorized by the Act of 1863; and the widening and improvement of a portion of the street called Stangate, commencing from the Westminster Bridge Road; and the widening of Palace New Road from Stangate to Crozier Street:

The stopping up of Crozier Street from Palace New Road to Stangate, and a portion of the street called Stangate, leading from the main street of Stangate to Crozier Street aforesaid, and the appropriation and use of the part of the street so stopped up.

5. [*Time for compulsory purchase of land limited to 5 years. Spent.*]

6. [*This Act and the Act of 1863 to be construed as one Act.*]

CHAPTER CCXXXV.

* AN ACT TO INCORPORATE A COMPANY FOR MAKING A NEW BRIDGE FROM CHELSEA TO BATTERSEA, WITH APPROACHES THERETO.

[*25th July 1864.*]

[*Preamble recites (inter alia) that it is expedient to incorporate a Company to build the new bridge, and that provision should be made for purchase by the Company of the existing Battersea Bridge built and maintained under 6 Geo. 3, c. 66.†*]

Short title
of Act.

1. This Act may be cited for all purposes as “The Albert Bridge Act, 1864.”

2—27. [*Incorporation of the Companies Clauses Acts 1845 and 1863 and Lands Clauses Acts—Incorporation of the Albert Bridge Company with a capital of £90,000—Financial provisions—Provisions as to directors—Powers to take lands shown on plans deposited with the Clerks of the Peace for Middlesex and Surrey—Powers for compulsory purchase of lands limited to 3 and for completion of works to 5 years. Provisions as to the sale of Battersea Bridge to the Company—Application of 6 Geo. 3, c. 66 to Company—Alteration of Battersea Bridge. Spent.*]

Works
authorized to
be executed.

28. The works which the Company are by this Act authorized to execute are as follows; (that is to say),

1. A bridge across the River Thames, with all convenient approaches, abutments, piers, walls, embankments, toll-houses, toll gates, landing stairs, and other works and conveniences connected therewith, to commence in the parish of St. Luke, Chelsea, in Cheyne Walk, at or near the junction therewith of Oakley Street, and to terminate in the parish of St. Mary, Battersea, in a road called the Prince Albert Road:

* The time for the completion of the bridge and works authorized by this Act was extended by 34 & 35 Vict. c. lxxiii. and 36 & 37 Vict. c. xcvii., which are now spent.

† Spent. See 44 & 45 Vict. c. xcii. s. 28.

2. A street commencing in the King's Road, Chelsea, opposite Oakley Street aforesaid, and terminating in the Brompton and Fulham Road in the parish of St. Luke, Chelsea :

3. A public road commencing in the said parish of St. Mary, Battersea, at the south end of Culvert Road, near Sheepgilt Road, and terminating in an intended new road forming on the land of P. W. Flower, Esq., known as Long Edge Farm Estate, in the aforesaid parish of St. Mary, Battersea.

29. The Company shall make and maintain on each side of the Bridge a good and sufficient fence of not less height than four feet. Fence to bridge to be made.

30. For the purposes of the works the Company from time to time may, within the limits of deviation defined on the said plans, dig and make proper foundations in the river and on the lands on each side thereof, and make dams in the river during the making or repairing of the bridge, and cut, level, embank, and scour the banks of the river, and cut, remove, scour, take, and carry away all trees, roots of trees, beds of gravel, sand, mud, and other impediments, and execute all other works necessary or convenient for building, maintaining, and repairing the bridge, and the approaches to communicate with the bridge on each side of the river. As to incidental works.

31. [*Works not to be commenced without the consent of the Thames Conservators. Spent.*]

32—33. [*Bridge to be made according to plans deposited with the Thames Conservators—Security for completion of works. Spent.*]

34—35. *Bed and soil of river not to be interfered with nor materials abstracted therefrom without the consent of the Thames Conservators. Superseded 57 & 58 Vict. c. clxxxvii. s. 87 (see Appendix).*]

36. [*Approval of plans by the Board of Trade.*]

37—38. [*Plans of roads to be approved by the Metropolitan Board of Works—As to construction of Bridge. Spent.*]

39. During the construction of the bridge and works connected therewith the Company shall hang out or exhibit thereat or near thereto, and for ever after the completion of the bridge the Company shall hang out or exhibit upon the bridge and works respectively every night, from sunset to sunrise, lights to be kept burning by and at the expense of the Company, and proper and sufficient for the navigation and safe guidance of vessels : and the lights shall be from time to time altered by the Company in such manner and be of such kind and number and be so placed as the Conservators of the River Thames shall by writing under the hand of their secretary approve of ; and in case the Company shall neglect to exhibit and keep the lights burning as aforesaid they shall forfeit and pay for every such offence the sum of ten pounds. Lights to be kept burning on bridge.

40. [*If public stairs be shut up, Company to erect others. Spent.*]

41. [*Board of Trade may order local survey. Superseded 57 & 58 Vict. c. clxxxvii. s. 183 (see Appendix).*]

42. If any work to be constructed by the Company in, under, over, through, or across the River Thames, or if any portion of any work which affects or may affect that river shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade or for the Conservators of the River Thames to abate and remove the same or such part or parts thereof as he or they may at any time Board of Trade or Conservators may remove abandoned works at expense of Company.

or times deem fit and proper, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown or the said Conservators, and if not paid upon demand may be recovered as a debt due to the Crown or the said Conservators, as the case may be, with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

43. [*Saving rights of the Conservators.*]

44. [*Saving rights of the Crown.*]

45. [*For protection of sewers as regards intended works, semble spent.*]

46. [*As to construction of bridges over public streets. Spent.*]

47—63. [*As to tolls. Superseded 40 & 41 Vict. c. xcix. s. 16.*]

64—65. [*Penalty for damaging any part of bridge and approaches—Annoyances—Wilfully damaging bridge. Superseded by 45 Vict. c. lvi. s. 41, and 55 & 56 Vict. c. ccxxviii. s. 40. See also the Malicious Damage Act 1861, ss. 33, 34, 51, and 52.*]

Barge owners
answerable
for damage
done by their
servants.

66. If and whenever any person having the care of any boat, barge, or other vessel navigated on the river, wilfully, carelessly, or negligently causes or suffers any damage or injury to be done by the vessel to the bridge, the owner of the vessel shall be liable to make satisfaction to the Company for all such damage or injury.

67—69. [*As to tolls. Spent. See also 40 & 41 Vict. c. xcix.*]

Recovery and
application of
penalties.

70. All offences under this Act, and all penalties, damages, charges, and costs imposed or payable under this Act, may be recovered in a summary manner under the provisions of the Act of the session of the eleventh and twelfth years of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of the Sessions within England and Wales with respect to summary Convictions and Orders," and all such penalties shall be paid to the Company except, so far as the convicting Justices award, not more than one half thereof to the informer. [*Word omitted ("tolls") spent.*]

11 & 12 Vict.
c. 43.

71—75. [*Service of notice by Company—Annual accounts—Leasing of superfluous lands—Deficiency in rates. Spent. Bridge approaches and new street to be public highways. See 40 & 41 Vict. c. xcix. s. 16.*]

76. [*For protection of the London, Chatham & Dover Railway Company. Spent.*]

77—78. [*Lands of the London, Chatham & Dover, West London Extension, and South-western Railway Companies not to be taken without consent. Spent.*]

79—88. [*For the protection of the London and South-western Railway Company—As to construction of an archway or bridge under the railway, and resting the same in railway company with liability for the repair thereof. Semble spent except as to resting and repair of archway.*]

89. [*Lands of the London, Brighton & South Coast Railway Company not to be taken without their consent. Spent.*]

90—91. [*Company within 3 years to form sides of the south ascent to bridge and complete Albert Road to the satisfaction of Battersea Park Commissioners and Wandsworth District Board of Works*]

respectively, and as to contribution of £500 towards such road by the Commissioners. Spent.]

92. [*Saving the rights of the Battersea Park Commissioners. Spent.*]

93. [*Expenses of obtaining Act. Spent.*]

CHAPTER CCXXXVIII.

* AN ACT FOR INCORPORATING THE WANDSWORTH BRIDGE COMPANY AND FOR AUTHORIZING THEM TO MAKE AND MAINTAIN THE WANDSWORTH BRIDGE, AND TO MAKE ROADS LEADING THERETO; AND FOR OTHER PURPOSES. [25th July 1864.]

[*Preamble.*]

1. This Act may for all purposes be cited as “Wandsworth Bridge Short title, Act, 1864.”

2—3. [*Incorporation of Land Clauses Acts and Companies Clauses Acts—Definitions therein extended to this Act. Spent.*]

4—18. [*Incorporation of Company—Provisions as to issue of capital, directors, and meetings of the Company. Spent. See 40 & 41 Vict. c. xcix.*]

19—23. [*Powers to take lands—Errors in deposited plans—Time for compulsory purchase limited to 3 years—Powers to make bridge and roads authorized by this Act. Spent.*]

24. The bridge and roads and works which the Company are by this Act authorized to execute comprise the following bridge and roads, with all proper and sufficient abutments, piers, land arches, walls, embankments, toll houses, landing stairs, footpaths, approaches, drains, gullies, channels, crossings, pavements, and other works and conveniences connected therewith; (that is to say.)

Works authorized by Act.

(A.) A bridge to be called “the Wandsworth Bridge,” commencing on the foreshore of the River Thames in the parish of Wandsworth in the county of Surrey,† and terminating opposite thereto on the foreshore of the River Thames in the parish of Fulham in the county of Middlesex: †

(B.) A road commencing at the southern abutment of the bridge passing through or under the embankment of the Richmond line of the London and South-western Railway, and terminating in the Wandsworth Road leading from Wandsworth to London, and which road will be made wholly in the parish of Wandsworth in the county of Surrey: †

(C.) Two roads, each commencing at the northern abutment of the bridge, and the eastern road terminating in Peterborough Road, and the western road terminating in the King’s Road, and the whole of which two roads will be made in the parish of Fulham in the county of Middlesex.†

25. For the purposes of the works by this Act authorised, the Company from time to time may dig and make proper foundations in the River Thames and on the lands on each side thereof, and make dams in the river during the making or repairing of the bridge, and cut, level, embank, and secure the banks of the river.

Incidental works.

* The times for taking of lands and completion of works authorized by this Act were extended and the raising of £100,000 further capital was authorized by 30 & 31 Vict. c. cci., which is now entirely spent.

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

and cut, remove, scour, take, and carry away all trees, roots of trees, beds of gravel, sand, mud, and other impediments, and execute all other works necessary or convenient for building, maintaining, and repairing the bridge and roads.

Entry on
lands for
surveys and
works.

26. The Company from time to time may enter upon the lands in which the bridge and roads and works are to be made, and also upon any adjoining lands, and examine and survey the same, and ascertain and set out the parts thereof required for the purposes of this Act, and may make walls, arches, culverts, ditches, drains, fences, and works, and do all things requisite for the making, maintaining, and repairing of the bridge and roads and works, doing as little damage as may be, and making full compensation to all parties interested for all damage so done.

27. [*For protection of Mr. Watney's property. Spent.*]

28. [*Power to take materials from lands near bridge and roads for making, improving, and maintaining the same. Semble obsolete.*]

29—32. [*Deviations from deposited plans, and as to construction of bridge. Spent.*]

Inclination
of roads.

33. The inclination of the roadway over the bridge and of the roads by this Act authorized respectively shall not be steeper than one foot in twenty-seven feet as regards the bridge, and one foot in twenty-three feet as regards the roads.

Parapet to
bridge and
fence to
roads.

34. The Company shall make and maintain on each side of the bridge a proper and sufficient parapet of not less than four feet high. . . . [*Part omitted (as to fencing roads) spent.*]

35—42. [*Company to provide landing places in lieu of those interfered with—Plans of bridge to be approved by the Thames Conservators—Width of bridge and inclination of roadway—Company to invest £1,000 before commencement of works—Plans of bridge to be approved by the Board of Trade and of roads by the Metropolitan Board of Works—As to interference with the bed of the River Thames and as to taking materials from river. Spent in part, remr. superseded; see 57 & 58 Vict. c. clxxxvii. (see Appendix).*]

Bridge
not to be
altered
without
consent.

43. When the bridge and the works connected therewith are begun or made, the Company at any time thereafter shall not alter or extend the same without first obtaining the like approval of the Conservators of the River Thames in writing under the hand of their secretary as before beginning; and if the bridge and works shall be begun or made or be altered or extended contrary to the provisions of this Act, the Conservators, if they think fit, may abate, alter, and remove the same, and restore the site thereof to its former condition, at the expense of the Company, and the amount thereof shall be a debt due from the Company to the Conservators, and be recoverable with costs accordingly, or may be recovered with costs as a penalty.

Power to
Conservators
to remove
works
disused, etc.

44. If any work made by the Company in, over, or across the River Thames, or if any portion of any such work which affects the river, be abandoned or suffered to fall into disuse or decay, the Conservators of the River Thames may abate and remove the same, or such part or parts thereof as they at any time deem fit, and restore the site thereof to its former condition, at the expense of the Company, and the amount thereof shall be a debt due from the Company to the Conservators, and be recoverable with costs accordingly, or may be recovered with costs as a penalty.

45—46. [*Traffic on the River Thames not to be interrupted by works, and as to construction of bridges over public streets. Spent.*]

47. During the making or repairing of the bridge and the works connected therewith, and for ever after the completion of the bridge, the Company shall hang out or exhibit upon the bridge and works respectively every night, from sunset to sunrise, lights to be kept burning by and at the expense of the Company, and proper and sufficient for the navigation and safe guidance of vessels, and the lights shall be from time to time altered by the Company in such manner, and be of such kind and number, and be so placed, as the Conservators of the River Thames shall, by writing under the hand of their secretary, approve of; and if the Company shall fail so to show and keep burning the lights, they shall for every such offence forfeit not exceeding twenty pounds, which shall be a debt due to the Conservators, and be recoverable with costs accordingly, or may be recovered with costs as a penalty.

Lights on bridge to be kept burning at night.

48. [*For protection of sewers of the Metropolitan Board of Works. Spent; see also 40 & 41 Vict. c. xcix.*]

49—58. [*For protection of the London and South-western Railway Company, and as to construction of an archway or bridge under the railway, and resting the same in Railway Company with liability for the repair thereof. Semble spent except as to resting and repair of archway.*]

59. . . . The Company from time to time may repair, rebuild, improve, and maintain . . . the bridge and the works connected therewith. . . . [*Parts omitted (as to period for completion of works) spent.*]

Period for completion of works.

60. Any land arch or land arches for the passage of flood waters at either or both of the ends of the bridge shall be deemed to be part of the bridge, and the same, and the roadway over the same, shall be repaired and maintained as part of the bridge accordingly; and in the event of there being any difference or question as to the boundary line between the bridge and any of the roads by this Act authorized, every such difference or question may be referred to and determined by the Conservators of the River Thames. [*See also 40 & 41 Vict. c. xcix. s. 16.*]

Land arches for passage of flood waters to be part of bridge.

61. [*Bridge to be a public, but not a county bridge. Rep. 58 & 59 Vict. c. cxxvii. s. 46.*]

62. [*Roads to be parish highways and repairable accordingly. See also 40 & 41 Vict. c. xcix. s. 16.*]

63. [*Power to grant building leases of certain superfluous land. Semble spent.*]

64—67. [*As to compensation to Battersea Bridge Company for abstraction of traffic. Spent.*]

68—91. [*As to tolls. Spent; see also 40 & 41 Vict. c. xcix. s. 16.*]

92. [*Malicious injury to bridge. Superseded by 45 Vict. c. lvi. s. 41, and 55 & 56 Vict. c. cxxxviii. s. 40. See also the Malicious Damage Act 1861.*]

93. If and whenever any person having the care of any boat, barge, or other vessel navigated on the River Thames wilfully, carelessly, or negligently causes or suffers any damage or injury to be done by the vessel to the bridge, or any of the works connected therewith, the owner of the vessel shall be liable to make compensation to the Company for all damage or injury so done.

Barge owners answerable for damage done by their servants.

Settlement
by Justices
of differ-
ences as to
damages
and charges.

94. Where any damage or charge is by this Act directed or authorized to be paid, and the manner of ascertaining the amount thereof is not otherwise provided for, the amount in case of nonpayment thereof or difference respecting the same shall be ascertained and determined by one or more Justice or Justices for the county of Middlesex* or Surrey.*

Recovery
and appli-
cation of
penalties,
etc.

95. All offences under this Act, and all penalties, damages, charges, and costs imposed or payable under this Act, or by virtue of any byelaw, rule, or order made in pursuance thereof, may be taken cognizance of or recovered under the provisions of any Act from time to time in force relating to the performance of the duties of Justices of the Peace out of sessions in England, and with respect to summary convictions and orders, and all such penalties shall be paid to the Company, except so far as the convicting Justices award, not more than one half thereof, to the informer. [*Word omitted* ("tolls") *spent.*]

Transient
offenders.

96. Any constable or other officer or agent of the Company, and all such persons as he respectively calls to his assistance, and without any warrant other than this Act, may seize and detain any person whose name and place of abode are unknown to the person so seizing, and who commits any offence against this Act, and may convey him before a Justice of the Peace for the county of Middlesex* or Surrey,* and the Justice may deal with the offender as if he had been duly summoned or brought by warrant before him.

97. [*Service of notices by the Company. Spent; see 40 & 41 Vict. c. xcix.*]

Company
to provide
ferry boats
in case of
accident to
bridge.

98. If and whenever after the bridge is completed the passage over it becomes dangerous in consequence of accident or damage, or it is considered desirable to repair or alter or rebuild the bridge, or any part thereof, the Company may and shall during the repairing, altering, or rebuilding of the bridge provide a sufficient ferry over the River Thames at or near to the site of the bridge. [*Part omitted (as to tolls for ferry) semble superseded 40 & 41 Vict. c. xcix.*]

99. [*Yearly accounts of Company to be sent to the Clerks of Peace for Middlesex and Surrey. Spent; see 40 & 41 Vict. c. xcix.*]

100—101. [*Saving the rights of the Crown and the Thames Conservancy.*]

102. [*Expenses of obtaining Act. Spent.*]

28 & 29 VICTORIA. A.D. 1865.

CHAPTER 34.

AN ACT TO MAKE THE METROPOLITAN HOUSELESS POOR ACT PERPETUAL. [2nd June 1865.]

[*Preamble (reciting 27 & 28 Vict. c. 116) rep. 56 Vict. c. 14 (S.L.R.).*]

Provisions of
recited Act
extended to
relief after
Lady Day
1865.

1. . . . The provisions of the said Act shall be extended to the expenditure for relief of destitute wayfarers, wanderers, and foundlings, or other destitute persons, in the several unions and parishes referred to in the said Act. . . . [*Parts omitted (the word "That,"*

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

and the repeal of s. 6 of 27 & 28 Vict. c. 116) rep. 38 & 39 Vict. c. 66 (S.L.R.), & 56 Vict. c. 14 (S.L.R.).] Sect. 6.
repealed.

2. The Poor Law Board* shall from time to time cause the wards and other places of reception provided according to the said Act to be inspected not less than once in every four months between the hours of six o'clock in the evening and eight in the morning in the months between October and March inclusive, and between the hours of eight o'clock in the evening and eight in the morning in the months between April and September inclusive; and the results of such inspections shall be reported to the Poor Law Board,* who may at any time revoke and renew the certificates granted or to be granted under the first section of that Act. Poor Law Board to have wards inspected, and may revoke and renew certificate.

3. The said Board* may allow for the costs and expenses referred to in the fourth section of that Act, when they shall see fit to do so, a sum or several sums in gross instead of a sum in respect of each pauper as therein provided. Allowance may be made for providing wards.

4. Any constable of the Metropolitan Police or of the police of the city of London may personally conduct any destitute wayfarer, wanderer, or foundling, or other destitute person, not having committed or being charged with any offence punishable by law, within the knowledge of such constable, to any wards or other places of reception approved of by the Poor Law Board* under the said Act or this Act; and every such wayfarer, wanderer, or foundling shall, if there be room in such wards or other places of reception, be temporarily relieved therein. Power to police to provide for temporary relief.

5. The wards or places of reception provided under the said Act shall be open for the admission of destitute wayfarers, wanderers, and foundlings, or other destitute persons, who shall apply to be admitted during the hours between six o'clock in the evening and eight in the morning in the months between October and March inclusive, and during the hours between eight o'clock in the evening and eight o'clock in the morning in the months between April and September inclusive, and the guardians shall be entitled to be reimbursed for all relief administered in conformity with the provisions of that Act during those hours respectively. Hours during which wards shall be open for admission.

6. This Act may be cited for all purposes as "The Metropolitan Houseless Poor Act, 1865." Short title.

CHAPTER 90.

† AN ACT FOR THE ESTABLISHMENT OF A FIRE BRIGADE WITHIN THE METROPOLIS. [5th July 1865.]

[*Preamble rep. 56 Vict. c. 14 (S.L.R.).*]

Preliminary.

1. This Act may be cited for all purposes as the "Metropolitan Fire Brigade Act, 1865." Short title.

2. For the purposes of this Act the "metropolis" shall mean the city of London and all other parishes and places for the time being within the jurisdiction of the Metropolitan Board of Works: Definition of "metropolis" and "insurance company."

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

† See also 56 & 57 Vict. c. cxxi. s. 16.

“Insurance company” shall include any persons corporate or unincorporate, or any person carrying on the business of fire insurance.

Definition of “Metropolis Local Management Acts.”

3. The expression “Metropolis Local Management Acts” shall mean the Acts following; that is to say, “The Metropolis Management Act, 1855,” “The Metropolis Management Amendment Act, 1856,” and “The Metropolis Management Amendment Act, 1862.”

Establishment and Duties of Fire Brigade.

Duty of Metropolitan Board in relation to fires.

4. . . . The duty of extinguishing fires and protecting life and property in case of fire shall within the metropolis be deemed for the purposes of this Act to be entrusted to the Metropolitan Board of Works,* and with a view to the performance of that duty it shall be lawful for them to provide and maintain an efficient force of firemen, and to furnish them with all such fire engines, horses, accoutrements, tools, and implements as may be necessary for the equipment of the force, or conducive to the efficient performance of their duties. [*Words omitted (“on and after 1st January 1866”) rep. 56 Vict. c. 14 (S.L.R.).*]

Purchase of buildings and land.

5. The said Board, herein-after referred to as the Board,* may take on lease, purchase, or otherwise acquire stations for engines, stables, houses for firemen, and such other houses, buildings, or land as they may think requisite for carrying into effect the purposes of this Act, and may from time to time sell any property acquired by or vested in them for the purposes of this Act:

The Board may also contract with any company or persons authorised to establish the same for the establishment of telegraphic communication between the several stations in which their fire engines or firemen are placed, and between any of such stations and other parts of the metropolis.

Transfer of plant of existing fire offices.

6. . . . All stations, fire engines, fire escapes, plant, and other property belonging to or used by the fire engine establishment of the insurance companies in the metropolis shall vest in or be conveyed or assigned to the Board for all the estate and interest of the said companies therein, upon trust to be applied by the Board to the purposes to this Act, but subject to all legal liabilities and obligations attaching thereto, including the payment of all pensions that have been granted to the members of the said fire engine establishment, according to a list that has been furnished to the chairman of the said Board by the chief officer of the said fire engine establishment, and all trustees for the same shall be indemnified against such liabilities and obligations. The Board may also, if they think fit, purchase the stations, fire engines, and plant belonging to any parish, place, or body of persons within their jurisdiction. [*Note to s. 4 applies.*]

Constitution of Fire Brigade.

7. The force of firemen established under this Act, herein-after called the Metropolitan Fire Brigade, shall be under the command of an officer, to be called the chief officer of the Metropolitan Fire Brigade.

The chief officer and men composing the said Fire Brigade shall be appointed and removed at the pleasure of the Board. [*See 4 Edw. 7, c. cexliv. s. 46.*]

Salaries of Fire Brigade.

8. The Board shall pay such salaries as they think expedient to the said Fire Brigade. They may also make such regulations as

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

they think fit with respect to the compensation to be made to them in case of accident, or to their wives or families in case of their death; also with respect to the pensions or allowances to be paid to them in case of retirement; also with respect to the gratuities to be paid to persons giving notices of fires; also with respect to gratuities by way of a gross sum or annual payment to be from time to time awarded to any member of the said force, or to any other person, for extraordinary services performed in cases of fire; also with respect to gratuities to turncocks belonging to waterworks from which a supply of water is quickly derived. [See also the *Police Act 1890*, ss. 22 (7) and 36 (4), and 54 & 55 *Vict. c. cxi. ss. 60—69.*]

9. The Board may by byelaws make regulations for the training, discipline, and good conduct of the men belonging to the said Fire Brigade, for their speedy attendance with engines, fire escapes, and all necessary implements on the occasion of any alarm of fire, and generally for the maintenance in a due state of efficiency of the said Brigade, and may annex to any breach of such regulations penalties not exceeding in amount forty shillings, but no byelaw under this section shall be of any validity unless it is made and confirmed in manner directed by the *Metropolis Local Management Acts*; and all the provisions of the said Acts relating to byelaws shall, with the necessary variations, apply to any byelaws made in pursuance of this Act. [See also 18 & 19 *Vict. c. 120, ss. 202 and 203.*]

Power to
make regu-
lations for
Fire Brigade.

10. [*Compensation to parish officers. Spent.*]

11. The Board may make such arrangements as they think fit as to establishing fire escapes throughout the metropolis. They may for that purpose contribute to the funds of the Royal Society for the Protection of Life from Fire, or of any existing society that provides fire escapes, or may purchase or take by agreement the property of any existing society in their stations and fire escapes, and generally may maintain such fire escapes and do such things as they think expedient towards aiding persons to escape from fire; and any expenses incurred by them in pursuance of this section shall be deemed to be expenses incurred in carrying into effect this Act.

As to pur-
chase of fire
escapes.

12. On the occasion of a fire the chief or other officer in charge of the Fire Brigade may, in his discretion, take the command of any volunteer fire brigade or other persons who voluntarily place their services at his disposal, and may remove, or order any fireman to remove, any persons who interfere by their presence with the operations of the Fire Brigade, and generally he may take any measures that appear expedient for the protection of life and property, with power by himself or his men to break into or through, or take possession of, or pull down any premises for the purpose of putting an end to a fire, doing as little damage as possible: he may also on any such occasion cause the water to be shut off from the mains and pipes of any district, in order to give a greater supply and pressure of water in the district in which the fire has occurred; and no water company shall be liable to any penalty or claim by reason of any interruption of the supply of water occasioned only by compliance with the provisions of this section.

As to
powers of
Fire Brigade.

All police constables shall be authorised to aid the Fire Brigade in the execution of their duties. They may close any street in or near which a fire is burning, and they may of their own motion, or on the request of the chief or other officer of the Fire Brigade

remove any persons who interfere by their presence with the operations of the Fire Brigade.

Any damage occasioned by the Fire Brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Expenses.

Contributions by insurance offices.

13. Every insurance company that insures from fire any property in the metropolis shall pay annually to the Metropolitan Board of Works,* by way of contribution towards the expenses of carrying this Act into effect, a sum after the rate of thirty-five pounds in the one million pounds on the gross amounts insured by it, except by way of reinsurance, in respect of property in the metropolis for a year, and at a like rate for any fractional part of a million, and for any fractional part of a year as well as for any number of years for which the insurance may be made, renewed, or continued.

Mode of enforcing contributions.

The said payments by insurance companies shall be made quarterly in advance, on the first of January, first of April, first of July, and first of October in every year. . . . [*Part omitted (as to dates of first payment) rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

Mode of ascertaining proportions of contribution.

14. All contributions due from an insurance company to the Board in pursuance of this Act shall be deemed to be specialty debts due from the company to the Board, and be recovered accordingly.

15. For the purpose of ascertaining the amount to be contributed by every such insurance company as aforesaid, every insurance company insuring property from fire in the metropolis shall, . . . on every . . . first of June, or on such other days as the Metropolitan Board of Works* may appoint, make a return to the said Board, in such form as they may require, of the gross amount insured by it in respect of property in the metropolis.

Penalty on insurance company not making return.

There shall be annexed to the return so made a declaration made by the secretary or other officer performing the duties of secretary of the company by whom it is made, stating that he has examined the return with the books of the company, and that to the best of his knowledge, information, and belief it contains a true and faithful account of the gross amount of the sums insured by the company to which he belongs in respect of property in the metropolis.

Examination of books of insurance companies.

The return made in the June of one year shall not come into effect till the first of January of the succeeding year, and shall be the basis of the contributions for that year. [*Part omitted (provisions for the years 1864 and 1866) rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

16. If any insurance company makes default in making such returns to the Board as are required by this Act, it shall be liable to a penalty not exceeding five pounds for every day during which it is so in default.

17. The secretary or other officer having the custody of the books and papers of any insurance company that is required to pay a contribution to the Board in pursuance of this Act shall allow any officer appointed by the Board to inspect, during the hours of business, any books and papers that will enable him to ascertain the amount of property insured by such company in the metropolis, and the amount for which it is insured, and to make extracts from

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

such books or papers; and any secretary or other such officer as aforesaid of a company failing to comply with the requisitions of this section in respect of such inspections and extracts shall be liable on summary conviction to a penalty not exceeding five pounds for each offence.

18. The . . . Treasury shall pay or cause to be paid to the Board by way of contribution to the expenses of maintaining the Fire Brigade such sums as Parliament may from time to time grant for that purpose, not exceeding in any one year the sum of ten thousand pounds. [*Words omitted* ("Commissioners of Her Majesty's") *rep.* 56 *Vict. c.* 14 (*S.L.R.*).] Contributions by Government towards expense of Brigade.

19—21. [*Financial provisions.* *Rep.* 32 & 33 *Vict. c.* 102, s. 50.]

Miscellaneous.

22. Where any chief officer, or other person who has been employed by the Board in any capacity under this Act, and has been discharged therefrom, continues to occupy any house or building that may be provided for his use, or any part thereof, after one week's notice in writing from the Board to deliver up possession thereof, it shall be lawful for any Police Magistrate, on the oath of one witness, stating such notice to have been given, by warrant under his hand to order any constable to enter into the house or building occupied by such discharged chief officer or other person as aforesaid, and to remove him and his family and servants therefrom, and afterwards to deliver the possession thereof to the Board, as effectually to all intents and purposes, as the sheriff having jurisdiction within the place where such house or building is situate might lawfully do by virtue of a writ of possession or a judgment at law. Power to turn discharged officers or men out of houses provided for them.

23. [*Penalty where chimneys are on fire.* *Rep.* 63 & 64 *Vict. c.* cclxviii, s. 30.]

24. All penalties imposed by this Act, or by any byelaw made in pursuance thereof, and all expenses and other sums due to the Board in pursuance of this Act, in respect of which no mode of recovery is prescribed, may be recovered summarily before two Justices in manner directed by the Act of the session holden in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, or any Act amending the same, and when so recovered shall be paid to the treasurer of the Board, notwithstanding any Police Act or other Act of Parliament directing a different appropriation of such monies. [*See* 2 & 3 *Vict. c.* 71, s. 47.] Recovery of penalties.

25. Any dispute or other matter which is by this Act directed to be determined summarily by two Justices shall be deemed to be a matter in respect of which a complaint is made upon which they have authority by law to make an order for payment of money within the meaning of the said Act of the session holden in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, or any Act amending the same. Summary proceedings for determining certain matters.

26. Any act, power, or jurisdiction hereby authorized to be done or exercised by two Justices may be done or exercised by the following Magistrates within their respective jurisdictions; that is to say, by any Metropolitan Police Magistrate sitting alone at a police court or other appointed place, or by the Lord Mayor of the city of London, or any alderman of the said city, sitting alone or with others at the Mansion House or Guildhall. Extension of powers given to two Justices.

27—28. [*Audit of accounts and power of Board to delegate to committee.* Rep. 56 & 57 Vict. c. 54 (S.L.R.).]

Establishment of salvage force by insurance offices.

29. If the companies insuring property within the metropolis, or any such number of them as may in the opinion of the said Board be sufficient, establish a force of men charged with the duty of attending at fires and saving insured property, it shall be the duty of the Fire Brigade, with the sanction of the Board, and subject to any regulations that may be made by the Board, to afford the necessary assistance to that force in the performance of their duties, and upon the application of any officer of that force, to hand over to their custody property that may be saved from fire: and no charge shall be made by the said Board for the services thus rendered by the Fire Brigade.

Brigade when employed beyond the metropolis, or on special services.

30. It shall be lawful for the Board, when occasion requires, to permit any part of the Fire Brigade establishment, with their engines, escapes, and other implements, to proceed beyond the limits of the metropolis for the purpose of extinguishing fires. In such case the owner and occupier of the property where the fire has occurred shall be jointly and severally liable to defray all the expenses that may be incurred by the Fire Brigade in attending the fire, and shall pay to the Board a reasonable charge for the attendance of the Fire Brigade, and the use of their engines, escapes, and other implements. In case of difference between the Board and the owner and occupier of such property, or either of them, the amount of the expenses, as well as the propriety of the Fire Brigade attending such fire (if the propriety thereof be disputed), shall be summarily determined by two Justices. In default of payment, any expenses under this section may be recovered by the Board in a summary manner.

The Board may also permit any part of the Fire Brigade establishment to be employed on special services upon such terms of remuneration as the said Board may think just.

Board to send information of fires to offices.

31. The Metropolitan Fire Brigade shall in the morning of each day, with the exception of Sundays, send information, by post or otherwise, to all the insurance offices contributing for the purposes of this Act, of all fires which have taken place within the metropolis since the preceding return, in such form as may be agreed upon between the Board and the said companies. [*Note to s. 7 applies.*]

Transfer to Board of powers of parishes as to fireplugs.

32. All the powers now exercised by any local body or officer within the metropolis as respects fireplugs shall henceforth be exercised by the Board, and the Board shall be entitled to receive copies or extracts of all plans kept by any water company* under the provision of the Act of the session of the fifteenth and sixteenth years of Her Majesty, chapter eighty-four;† and every such water company shall provide at the expense of the Board in any mains or pipes within the metropolis plugs for the supply of water in case of fire at such places, of such dimensions, and in such form as the Board may require, and the Fire Brigade shall be at liberty to make such use thereof as they may deem necessary for the purpose of extinguishing any fire; and every such company shall deposit keys of all their fireplugs at such places as may be appointed by the Board, and the Board may put up on any house or building a public notice in some conspicuous place in each street in which a fireplug is situated, showing its situation. [*Amended by 34 & 35 Vict. c. 113,*

* Now the Metropolitan Water Board. See now 2 Edw. 7, c. 41.

† See Appendix.

s. 34. *See also the Waterworks Clauses Act 1847, ss. 38—44; and 57 & 58 Vict. c. cxxii. s. 4.]*

33. "Owner" in this Act shall mean the person for the time being receiving the rackrent of the premises in connexion with which the word is used, either on his own account or as agent or trustee for some other person, or who would receive the same if the premises were let at rackrent. Definition of "owner."

34. *[Repeal of 14 Geo. 3. c. 78 (except ss. 83 and 86 thereof), Rep. 38 & 39 Vict. c. 66 (S.L.R.).]*

35. *[Repeal of s. 44 of the Lighting and Watching Act 1833, Rep. 56 Vict. c. 14 (S.L.R.).]*

CHAPTER III.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO OPEN A NEW STREET IN WHITECHAPEL, AND TO REMOVE MIDDLE ROW, HOLBORN, ALL IN THE COUNTY OF MIDDLESEX.

[7th April 1865.]

[Preamble recites 18 & 19 Vict. c. 120, s. 144.]

1. *[Incorporation of Lands Clauses Acts. Spent.]*

2. In citing this Act for any purpose it shall be sufficient to use the expression "Whitechapel and Holborn Improvement Act, 1865." Short title.

3. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction: (that is to say, Interpretation of terms.)

The word "streets" shall include squares, streets, courts, or alleys, highways, lanes, roads, thoroughfares, or public passages or places:

The expression "the Board" shall mean the Metropolitan Board of Works:*

[Parts omitted (definitions of "Justice," "two Justices," and "lessee," and as to meanings of words in Acts incorporated) spent.]

4—6. *[Board to execute Act—Power to act by committee—Persons interested not eligible for committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.]*

7. It shall be lawful for the Board to make the new street and improvements following; (that is to say,) a new street commencing in the parish of Saint Mary Matfelon otherwise Saint Mary Whitechapel in the county of Middlesex,† at or from High Street, Whitechapel, at or near its point of intersection by Leman Street and Commercial Street, and terminating in the said parish and in the hamlet of Mile End Old Town, or one of them, at or near the west end of the street or road called Commercial Road East, at its junction with Church Lane, and which new street is herein-after referred to as the Commercial Road East extension; and to widen and improve the public thoroughfare of High Holborn near its

Power to make new street and improvements.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the County of London. See 51 & 52 Vict. c. 41, s. 40 (2).

junction with the boundary of the city of London at Holborn Bars, by removing the dwelling houses, messuages, and premises forming the north side of the passage or place commonly called Middle Row, and lying between that passage and the north side of Holborn aforesaid, in the parish of Saint Andrew's Holborn above Bars in the county of Middlesex,* and which improvement is herein-after referred to as the Middle Row, Holborn, improvement.

8—12. [*Streets and works to be made according to deposited plans—Powers to the Board to deviate, to lay out footways, etc., and to stop up streets, etc.—Vesting of soil of such streets in the Board for the purposes of the Act—Powers to stop up ways during works, and to raise or lower streets. Spent.*]

13. [*As to laying of pavements, and vesting the same in the board of works† or vestry† in whose district or parish they are.*]

14. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

15. [*Power to alter steps, areas, pipes, etc. Spent.*]

16. [*Ground laid into streets to form part thereof, and to be under the care of the board of works† or vestry† in whose district or parish it is.*]

17. The Board may make, under the new street formed by them under the powers of this Act, an arched passage or covered way, herein-after called the subway, for such purposes as they think fit, with all communications, works, and things necessary or proper for the convenient use thereof; and the same subway, communications, works and things shall be deemed part of the works authorized by this Act, and the same shall (notwithstanding anything herein contained) belong to and be vested in the Board, and shall be maintained and repaired by the Board. . . . [*Part omitted (as to use of subway) superseded 56 & 57 Vict. c. cii.*]

18—30. [*Errors and omissions in plans—Power to the Board to sell materials, and to survey lands to be taken—Powers for compulsory purchase limited to 5 years—As to acquisition of lands and compensation—Deficiencies of land tax during works—Power to grant building leases of lands not wanted—Sale of ground rents and reversions—Power to sell lands without leasing—Sale of lands not wanted—Receipts of Board to be effectual discharges. Spent.*]

31. [*Borrowing powers. Rep. in part 32 & 33 Vict. c. 102, s. 50. Remr. spent.*]

32—39. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

40. [*Separate accounts. Superseded 51 & 52 Vict. c. 41, ss. 68 and 71.*]

41. [*Application of monies borrowed. Spent.*]

42. [*Application of monies arising from sales, etc. Rep. 32 & 33 Vict. c. 102, s. 50.*]

43. [*Powers of Metropolis Management Acts extended to this Act. Spent.*]

SCHEDULE. [*Forms of bond and security for annuity. Spent; see 32 & 33 Vict. c. 102.*]

* Now the County of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the Metropolitan Borough Council. See 62 & 63 Vict. c. 14, s. 4.

29 & 30 VICTORIA. A.D. 1866.

CHAPTER 31.

* AN ACT TO PROVIDE FOR SUPERANNUATION ALLOWANCES TO OFFICERS OF VESTRIES AND OTHER BOARDS WITHIN THE AREA OF THE METROPOLIS LOCAL MANAGEMENT ACT.

[18th May 1866.]

[*Preamble rep. 56 Vict. c. 14 (S.L.R.).*]

1. The vestry of any parish and district board of any district or any other parochial body within the metropolis, and also the Metropolitan Board of Works, may, at their discretion, grant to any officer in their respective services, including the chairman of the Metropolitan Board of Works, who shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two thirds of his then salary, regard being had to the scale of allowances herein-after contained, and shall charge such allowance to the fund or funds to which such salary would have been charged if he had continued in his office: Provided always, that nothing in this Act contained shall affect the powers contained in the two hundred and thirteenth section of "The Metropolis Management Act, 1855." [*Spent as regards Chairman of the Metropolitan Board of Works.*]

Vestries,
district
boards, and
Metropolitan
Board of
Works may
grant super-
annuation
allowances
to officers in
certain cases

2. This allowance shall be payable to or in trust for such officer only, and shall not be assignable for nor chargeable with his debts or other liabilities without the consent in writing of the vestry, district board, Metropolitan Board of Works, or other parochial body.

Allowances
not to be
assignable
for debts, etc

3. No officer shall be entitled to such allowance on the ground of old age who shall not have completed the full age of sixty years.

Limitation
of grant of
allowances.

4. Subject to the provisions herein contained, the allowance to be granted . . . to persons who shall have served in an established capacity as officers as aforesaid, whether their remuneration be computed by weekly wages, poundage, or percentage on collection of rates, or annual salary, shall be as follows; (that is to say,)

Scale of
allowances.

To any person who shall have served ten years and upwards and under eleven years, an annual allowance of ten sixtieths of the salary and emoluments of his office:

And in like manner an addition of one sixtieth in respect of each additional year of such service until the completion of a period of service of forty years, when the annual allowance of forty sixtieths may be granted; and no addition shall be made in respect of any service beyond forty years; but in computing the time of any officer's service any period during which such officer shall

* See note * to 18 & 19 Vict. c. 120, p. 214; see also 17 & 18 Vict. c. elxiv. s. 31; 28 & 29 Vict. c. 90, s. 8; the Baths and Washhouses Act 1878, s. 12; the Lunacy Act 1890, s. 280; 54 & 55 Vict. c. cxxi. ss. 60—69; and 55 & 56 Vict. c. cccxxxviii. s. 41.

have been in the service of a vestry, board of trustees, or other parochial board of the same parish superseded by "The Metropolis Management Act, 1855," or of any parish comprised in the district board granting such allowance, shall be included. [*Words omitted ("after the commencement of this Act") rep. 56 Vict. c. 14 (S.L.R.).*]

Power to
increase
allowance.

5. When for the due and efficient discharge of the duties of any office professional or other peculiar qualifications not ordinarily to be acquired in the vestry or board's service are required, and any person having such qualifications shall have been or may be appointed thereto beyond the age of thirty years, any vestry or Board may, by order, direct that when any person now holding or who may hereafter be appointed to such office shall retire from their service, a number of years, not exceeding ten, to be specified in the said order, shall, in computing the amount of superannuation allowance which may be granted to him under this Act, be added to the number of years during which he may have actually served.

Power to
grant gratu-
ties in case
of retirement
before en-
titled to su-
perannuation
allowance.

6. Any vestry or board or other parochial body may grant to any person who is compelled to quit their service by reason of severe bodily injury occasioned, without his own default, in the discharge of his public duty, or from infirmity of mind or body, before the completion of the period which would entitle him to a superannuation allowance, a gratuity not exceeding three months pay for every two years of service.

Notice of
grant to be
given.

7. No grant shall be made without one month's previous notice, to be specially given in writing to every member of the vestry or district board, of the proposal to make such grant, and the time when it shall be brought forward.

Interpreta-
tion of terms.

8. In the construction of this Act the term "Metropolis" shall have the same interpretation as in the Metropolis Management Act, 1855, and Metropolis Management Amendment Act, 1862; the words "other parochial body" shall mean all trustees, overseers, and others who make the several rates for the purposes of the vestry or the district board of any district.

CHAPTER 90.

AN ACT TO AMEND THE LAW RELATING TO THE PUBLIC HEALTH,
[7th August 1866.]

Evidence of
family in
case of
overcrowded
houses.

41. In any proceedings under the Common Lodging Houses Act, 1851, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

[*The whole Act, except s. 41, is repealed by 54 & 55 Vict. c. 76, s. 142, and the Public Health Act 1896, s. 6.*]

CHAPTER 122.

AN ACT TO MAKE PROVISION FOR THE IMPROVEMENT, PROTECTION,
AND MANAGEMENT OF COMMONS NEAR THE METROPOLIS.

[10th August 1866.]

[*Preamble rep. 56 Vict. c. 14 (S.L.R.).*]

1. This Act may be cited as The Metropolitan Commons Act, Short title. 1866.

2. For the purposes of this Act the local authority in relation to each metropolitan common shall be the authority described as such in connexion therewith in the first schedule to this Act; and for the purposes of this Act the local rate in relation to each metropolitan common shall be the rate described in connexion therewith in the same schedule.

Definition of local authority and local rate.

3. In this Act—

The term “common” means land subject at the passing of this Act to any right of common; the term “commoner” means a person having any such right of common; the term “manor” includes reputed manor; and those terms as used in this Act respectively refer to any particular common to which this Act applies, and to every person having a right of common in, over, or affecting that common, and to the manor of the wastes whereof that common is part:

Interpretation of terms.

The term “the Commissioners” means the Inclosure Commissioners for England and Wales, and the term “Assistant Commissioner” means the Assistant Commissioner appointed by the Inclosure Commissioners.*

[*Amended 32 & 33 Vict. c. 107, s. 2.*]

4. This Act shall apply to any common the whole or any part whereof is situate within the metropolitan police district † as defined at the passing of this Act (referred to in this Act as a metropolitan common).

To what commons Act applies.

5. . . . The Commissioners shall not entertain an application for the inclosure of a metropolitan common, or any part thereof; . . . and notwithstanding any proceedings taken under any Act other than this Act, or any provisional order of the Commissioners made but not already confirmed by Act of Parliament, proceedings may be taken under this Act in relation to any metropolitan common.

Exclusion of authority of Commissioners to inclose, etc.

[*Parts omitted (“after the passing of this Act,” and this Act not to affect proceedings under Orders already confirmed) rep. 56 Vict. c. 14 (S.L.R.).*]

6. A scheme for the establishment of local management with a view to the expenditure of money on the drainage, levelling, and improvement of a metropolitan common, and to the making of byelaws and regulations for the prevention of nuisances and the preservation of order thereon, may be made under this Act, on a memorial in that behalf presented to the Commissioners by the lord of the manor or by any commoners, or by the local authority, or in case of a common extending into the districts of two or more of the bodies described in the first schedule to this Act, then by

Memorial for scheme as to common.

* These Commissioners were appointed under the Inclosure Act 1845, but their powers and duties are now exercised by the Board of Agriculture. See the Settled Land Act, 1882, s. 48, and the Board of Agriculture Act 1889, ss. 2 (2) 10, 11 (1) and 13, which last mentioned section repeals s. 45 of the Settled Land Act 1882.

† See 10 Geo. 4, c. 41, s. 4; and 2 & 3 Vict. c. 47, s. 2.

any one or more of such bodies. [*Amended* 32 & 33 Vict. c. 107, s. 3. *See also* 40 & 41 Vict. c. viii. s. 3 ; 53 & 54 Vict. c. ccxliii. ss. 14—21 ; and 61 & 62 Vict. c. cxxi. s. 61.]

Inquiry into memorial.

7. On the presentation of any memorial under this Act the Commissioners (if on consideration of the memorial they think fit) may make such examination and inquiry as they think necessary or proper in relation to the subject matter of the memorial.

Preparation of draft scheme.

8. On such examination and inquiry the Commissioners may, if they think fit, prepare the draft of a scheme respecting the common or any part thereof.

Printing and publication of draft scheme.

9. Where the Commissioners prepare the draft of a scheme they shall cause it to be printed, and printed copies of it to be delivered to the memorialists and to the lord of the manor and to the local authority, and shall also cause it, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all parties interested.

Objections and suggestions respecting scheme.

10. During two months after the first publication of the draft of a scheme the Commissioners shall receive any objections or suggestions made to them in writing respecting the scheme.

Inquiry into scheme by public sittings.

11. At any time after the expiration of those two months, the Commissioners, if they think fit, may refer the draft of the scheme to an Assistant Commissioner.

On any such reference the Assistant Commissioner shall proceed to make an inquiry concerning the subject matter of the scheme, and for that purpose to hold a sitting or sittings in some convenient place in the neighbourhood of the common, and thereat to take and receive any evidence and information offered, and hear and inquire into any objections or suggestions made or to be made during the sitting or sittings, respecting the scheme or the common, with power from time to time to adjourn any sitting.

Notice shall be published, in such manner as the Commissioners direct, of every such sitting (except an adjourned sitting), fourteen days at least before the holding thereof.

Report of Assistant Commissioner.

12. The Assistant Commissioner to whom the draft of a scheme is referred shall make a report in writing to the Commissioners setting forth the result of the inquiry, and whether in his opinion the draft of the scheme should be approved with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and suggestions, if any, made on the inquiry, and his opinion thereon.

Final settlement and approval of scheme.

13. As soon as may be after the expiration of the said two months, or the receipt by the Commissioners of the report of the Assistant Commissioner (as the case may be), the Commissioners shall proceed to consider any objections or suggestions made to them in writing respecting the scheme, and the report (if any), and thereupon they shall, if they think fit, finally settle and approve of the scheme in such form as they think expedient.

Scheme to state rights affected.

14. Every scheme shall state what rights (if any) claimed by any person or class of persons are affected by the scheme, and in what manner and to what extent they are affected thereby, and whether or not the scheme has been in relation thereto consented to by that person or class of persons, or any of them.

Provision for compensation.

15. No estate, interest, or right of a profitable or beneficial nature in, over, or affecting a common shall, except with the

consent of the person entitled thereto, be taken away or injuriously affected by any scheme, without compensation being made or provided for the same, and such compensation shall, in case of difference, be ascertained and provided in the same manner as if the same compensation were for the compulsory purchase and taking or the injurious affecting of lands under the provisions of the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1869.

16. If any person claiming any estate, interest, or right in, over, or affecting the common to which any scheme relates is dissatisfied with any determination made or implied by the Commissioners or by the scheme concerning any estate, interest, or right in, over, or affecting the common, every such person may obtain a decision thereon in an action at law in the manner provided by section fifty-six of the General Act to facilitate the Inclosure and Improvement of Commons, passed in the session of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and eighteen.

Appeal
against de-
termination
of Commis-
sioners.

s & 9 Vict.
c. 118, s. 56.

17. Every scheme shall contain a provision for the sale at all times of printed copies thereof to all persons desiring to buy the same, at a price not exceeding a reasonable sum to be fixed by the scheme.

Printing and
sale of
scheme.

18. Every scheme, when approved by the Commissioners, shall be certified by them, and sealed with their common seal.

Scheme when
approved to
be certified.

19. When the Commissioners certify a scheme they shall cause printed copies of it to be delivered to the memorialists and to the lord of the manor and to the local authority, and shall also cause it, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all parties interested.

Printing and
publication
of scheme.

20. [*Annual report to be laid before Houses of Parliament. Rep. by the Commons Act 1899, s. 21.**]

21. The Commissioners in such annual report shall set forth in full every scheme certified by them during the year to which the report relates, and shall state the grounds of their approval thereof, and the objections, if any, made thereto and over-ruled, and all proceedings had in respect of those objections, and the grounds on which they were over-ruled.

Contents of
report.

22. A scheme certified by the Commissioners shall not of itself have any operation, but the same shall have full operation when and as confirmed by Act of Parliament, with such modifications, if any, as to Parliament seem fit.

Confirmation
of scheme
by Act of
Parliament.

23. If in the progress through Parliament of a Bill confirming any scheme certified by the Commissioners a petition is presented to either House of Parliament against the scheme, the Bill, as far as it relates to the scheme petitioned against, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in case of a private bill.

Reference of
scheme to
Select Com-
mittee if
opposed.

24. All expenses incurred by the Commissioners in relation to any memorial, or to any scheme consequent thereon, shall be

Expenses of
scheme to be
defrayed by
memorialists,
etc.

* S. 21 of the Commons Act 1899 is as follows: "Section twenty of the Metropolitan Commons Act 1866 is hereby repealed, and the Board of Agriculture shall include in an annual report to Parliament a statement of their proceedings under Part I. of this Act and under the Metropolitan Commons Acts 1866 to 1878, during the year ending the thirty-first day of December then last past, with such particulars as to their proceedings under the last-mentioned Acts as are required by section twenty-one of the Metropolitan Commons Act 1866."

defrayed by the memorialists, or by any ratepayers or inhabitants of the parish or district in or near to which the common is situate, or of the metropolis willing and offering to defray those expenses, or by the local authority if willing and offering to defray the same; and the Commissioners may, if they think fit, on or at any time after the presentation of the memorial, require the memorialists or those ratepayers or inhabitants, or any of them, or the local authority having offered as aforesaid, (as the case may be,) to pay to the Commissioners such sum as the Commissioners think requisite for or on account of those expenses, or to give security to the satisfaction of the Commissioners for the payment of those expenses on demand.

Power for local authority to contribute for purposes of scheme.

25. The local authority may in relation to any metropolitan common for which they are the local authority, and the Metropolitan Board of Works * may in relation to any metropolitan common (although not one for which they are the local authority), contribute such amount as they think fit (in a gross sum or by annual payments or otherwise) towards the expenses of executing any scheme under this Act when confirmed by Act of Parliament, including the payment of the compensation (if any) to be paid in pursuance thereof.

Expenses of local authority to be paid out of local rate.

26. All expenditure incurred by a local authority under this Act shall be defrayed by them out of the local rate, and all expenditure incurred by the Metropolitan Board of Works * under this Act, in cases where they are not the local authority, shall be defrayed by them out of the rate which in the first schedule to this Act is described as the local rate in connexion with the Metropolitan Board of Works,* and the amount requisite in that behalf respectively shall be raised by means of such respective rate accordingly.

Amendment of schemes.

27. The Commissioners may from time to time approve and certify a scheme for amending any scheme confirmed by Act of Parliament, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, *mutatis mutandis*.

Provision for cases of disability.

28. Where any lord of a manor, commoner, or other person having any estate, interest, or right in, over, or affecting a common is under the disability of infancy, lunacy, or coverture, or other legal disability, or is beyond the seas, his or her guardian, trustee, committee of the estate, husband, or attorney (as the case requires), or in default thereof a person nominated in that behalf by the Commissioners under their common seal (which nomination they are hereby empowered to make as occasion requires), shall for the purposes of this Act be deemed to be substituted in the place of such lord, commoner, or other person.

Consent with respect to Crown or Duchy rights.

29. Where any estate, interest, or right in, over, or affecting a common belongs to or is enjoyed by Her Majesty, . . . in right of the Crown, or forms part of the possessions of the Duchy of Lancaster or of the Duchy of Cornwall, any consent for the purposes of any scheme under this Act may be given in respect of that estate, interest, or right as follows;—

In the first-mentioned case, if the estate, interest, or right is under the management of the Commissioners of . . . Woods, . . . then by those Commissioners or one of them with the approval of the . . . Treasury; and if it is under the management of the Commissioners of . . . Works . . . , then by the last-mentioned Commissioners with the like approval:

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

In the secondly-mentioned case by the Chancellor of the Duchy of Lancaster, by writing under his hand attested by the Clerk of the Council of the Duchy :

In the thirdly-mentioned case by the Duke of Cornwall, or other the persons for the time being empowered to dispose for any purpose of lands of the Duchy of Cornwall.

[*Words omitted* ("Her heirs or successors," "Forests and Land Revenues," "Commissioners of Her Majesty's," "Her Majesty's," and "and Public Buildings") *rep.* 56 *Vict. c. 14 (S.L.R.).*]

30. Any lord of a manor, commoner, or other person having any estate, interest, or right in, over, or affecting a common may, by a power of attorney in writing under his hand (which shall be exempt from stamp duty), appoint an agent to act for him for the purposes of any memorial or scheme under this Act.

Power for lord of manor, etc. to appoint agent.

All things by this Act directed or authorized to be done by or with relation to any lord of a manor, commoner, or other person as aforesaid may be lawfully done by or with relation to his agent so appointed.

Every such agent may, in the name and on behalf of his principal, sign, concur in, and execute any memorial or act, or signify consent or dissent on any matter arising out of the execution of this Act.

Every person shall be bound by the acts of any such agent according to the authority committed to him as fully as if the principal had himself acted.

Every such power of attorney, or a copy thereof examined and authenticated as a true copy by the signature of a witness or witnesses, shall be deposited with the Commissioners.

Any such power of attorney may be in the form given in the second schedule to this Act or to the like effect.

31. Where any estate, interest, or right in, over, or affecting a common is by deed conveyed for the purposes of a scheme under this Act, with the approval of the Commissioners, the provisions of the Act of the ninth year of the reign of King George the Second (chapter thirty-six),* "to restrain the Disposition of Lands whereby the same become unalienable," shall not apply to the conveyance.

Provision for conveyance to Commissioners. 9 G. 2. c. 36.

32. Notwithstanding anything in any other Act, it shall be lawful for Her Majesty, . . . from time to time, for the purposes of a scheme under this Act, to grant to any persons or body, for such estate or interest, and on such terms and subject to such conditions as to Her Majesty, . . . seem meet, all or any part or parts of the open and uninclosed lands being wastes of the Royal Manor of East Greenwich in the county of Kent,† and also to so grant all or any of the rights of common which Her Majesty, . . . has . . . for the time being in, over, or affecting any metropolitan common, and which might by law be so granted by a private person entitled absolutely thereto, and in every such case such persons or body, their heirs, successors, executors, or administrators, shall have full capacity to take and hold the same lands or rights.

Power for Crown to vest manorial, etc. rights in Commissioners.

Whenever it is the pleasure of Her Majesty, . . . to make a grant as aforesaid, the . . . Treasury may issue a warrant to such persons or body.

* *Rep.* (except part of s. 5) by the Mortmain and Charitable Uses Act 1888, s. 13.

† Now the county of London. See 51 & 52 *Vict. c. 41, s. 40 (2).*

CHAPTER CL.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO MAKE IMPROVEMENTS IN THE PARISH OF SAINT MARY ABBOTS, KENSINGTON, IN THE COUNTY OF MIDDLESEX, BY WIDENING HIGH STREET AND KING STREET, AND FORMING NEW LINES OF STREETS CONNECTED THEREWITH; AND FOR OTHER PURPOSES.

[28th June 1866.]

[*Preamble recites 18 & 19 Vict. c. 120, s. 144.*]

1. [*Incorporation of Lands Clauses Act. Spent.*]

2. In citing this Act for any purpose it shall be sufficient to use Short title, the expression "Kensington Improvement Act, 1866."

3. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Interpretation of terms.

The word "streets" shall include squares, streets, courts, or alleys, highways, roads, thoroughfares, or public passages or places:

The expression "the Board" shall mean the Metropolitan Board of Works: *

[*Parts omitted (definition of "Justice," "two Justices," and "lessee," and as to meanings of words in incorporated Acts) spent.*]

4—6. [*Board to execute Act—Power to act by committee—Persons interested not eligible for committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix): and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

7. It shall be lawful for the Board to make the improvements and new streets following; that is to say,

Power to make improvements.

An improvement in the High Street, Kensington, by widening the same on the southern side thereof, such widening to commence at the west side of Young Street, and to terminate westward of the junction of King Street with High Street:

A new street in substitution of a portion of the present street called King Street, such new street to commence from and out of High Street to the eastward of the present line of King Street, and to terminate in King Street:

An improvement of King Street by widening the same on the western side thereof from the proposed termination of the last-mentioned intended new street towards the place where King Street unites with Kensington Square:

A new street commencing from and out of Young Street south of the junction of Young Street with High Street, and terminating in the intended new street, in substitution of part of King Street, at or near its proposed termination.

8—12. [*Streets and works to be made according to deposited plans—Powers to the Board to deviate, to lay out footways, etc., and to stop up streets, etc.—Vesting of soil of such streets in the Board for the purposes of the Act—Power to stop up ways during works, and to raise or lower streets. Spent.*]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

13. [*As to laying of pavements, and resting the same in the board of works* or vestry* in whose district or parish they are.*]

14. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

15. [*Power to alter steps, areas, pipes, etc. Spent.*]

16. [*Ground laid into streets to form part thereof, and to be under the care of the board of works* or vestry* in whose district or parish it is.*]

17—29. [*Errors and omissions in plans—Power to the Board to sell materials and to survey lands to be taken—Power for compulsory purchase limited to 5 years—As to acquisition of lands and compensation—Deficiencies of land tax during works—Power to grant building leases of lands not wanted—Sale of ground rents and reversions—Power to sell lands without leasing—Sale of lands not wanted—Receipts of Board to be effectual discharges. Spent.*]

30. [*Borrowing powers. Rep. in part 32 & 33 Vict. c. 102, s. 50. Remr. spent.*]

31—38. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

39. [*Separate accounts. Superseded 51 & 52 Vict. c. 41, ss. 68 and 71.*]

40. [*Application of monies borrowed. Spent.*]

41. [*Application of monies arising from sales, etc. Rep. 32 & 33 Vict. c. 102, s. 50.*]

42—44. [*As to rehousing persons of the labouring class. Spent.*]

45. [*Powers of Metropolis Management Acts extended to this Act.*]

SCHEDULE. [*Forms of bond and security for annuity. Spent; see 32 & 33 Vict. c. 102.*]

30 & 31 VICTORIA. A.D. 1867.

CHAPTER 6.

† AN ACT FOR THE ESTABLISHMENT IN THE METROPOLIS OF ASYLUMS FOR THE SICK, INSANE, AND OTHER CLASSES OF THE POOR, AND OF DISPENSARIES; AND FOR THE DISTRIBUTION OVER THE METROPOLIS OF PORTIONS OF THE CHARGE FOR POOR RELIEF; AND FOR OTHER PURPOSES RELATING TO POOR RELIEF IN THE METROPOLIS. [29th March 1867.]

[*Enacting words rep. 56 Vict. c. 14 (S.L.R.).*]

Preliminary.

Short title.

1. This Act may be cited as The Metropolitan Poor Act, 1867.

2. In this Act—

Interpretation of terms.

The term “the Poor Law Acts” means the Act of the session of the fourth and fifth years of King William the Fourth (chapter seventy-six) “for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,” and the Acts extending or amending the same.

* Now the Metropolitan Borough Council. See 62 & 63 Vict. c. 14, s. 4.

† See also 34 Vict. c. 15; the Poor Law Act 1897, and 54 & 55 Vict. c. 76, ss. 55, 67, 79 & 80, 81, 85, 86 and 104.

Words in this Act have the same meaning as in the Poor Law Acts. [*Part omitted (meaning of the "Poor Law Amendment Act of 1844") rep. 56 Vict. c. 14 (S.L.R.).*]

3. This Act extends only to unions and parishes not in union which are wholly or for the greater part thereof respectively included in the metropolis as defined by the Metropolis Management Act, 1855; and in this Act the term "the metropolis" means the metropolis as so defined. Limitation of Act to the metropolis.

4. Any order of the Poor Law Board* under this Act shall not be deemed a general order within the operation of the Poor Law Acts, although addressed to more than one union or parish. Orders of Poor Law Board.

District Asylums.

5. Asylums to be supported and managed according to the provisions of this Act may be provided under this Act for reception and relief of the sick, insane, or infirm, or other class or classes of the poor chargeable in unions and parishes in the metropolis (and in this Act the term "asylum" means an asylum provided under this Act). [*Amended 34 & 35 Vict. c. 108, s. 10 †; and see 39 & 40 Vict. c. 61, s. 40.*] Asylums to be provided.

6. In order to the provision of asylums, the Poor Law Board* may from time to time by order combine into districts, unions or parishes, or unions and parishes, in the metropolis, as they think fit, and may from time to time alter any such district by addition, subdivision, separation of part or otherwise (and in this Act the term "the district" means, in relation to each asylum, the district for which that asylum is for the time being provided). [*Amended 34 & 35 Vict. c. 108, s. 10 †; and see 39 & 40 Vict. c. 61, s. 40, and 45 & 46 Vict. c. 58, s. 9.*] Formation of districts.

7. For each district there shall be an asylum or asylums, as the Poor Law Board* from time to time by order direct. Number of asylums.

8. For the asylum or asylums of each district there shall be a body of managers constituted as in this Act provided, which managers and their successors are hereby incorporated by the name of the Managers of the Managers of asylums.
Asylum District, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power, subject and according to the orders of the Poor Law Board,* to take, hold, and dispose of lands and other property for purposes of the asylum district (and in this Act the term "the managers" means, in relation to each asylum district, the managers thereof for the time being).

9. The managers shall (subject to the provisions of this Act) be partly elective and partly nominated. Constitution of managers.

10. Elective managers shall be from time to time elected by the guardians of each of the several unions and parishes forming the Election of managers.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

† S. 10 of the Pauper Inmates Discharge and Regulation Act 1871 (34 & 35 Vict. c. 108) is as follows: "Where any district hereafter formed by the Poor Law Board for the relief of the casual poor or any other class or classes under section six of the Metropolitan Poor Act, 1867, is continuous with any district previously formed under the same section for the relief of some other class or classes, the Poor Law Board may by order direct that the managers of any such last-mentioned district shall be the managers also of all or any of the districts continuous with it which may be subsequently formed; and the expenses of providing any asylum for the reception and relief of the casual poor under section five of the Metropolitan Poor Act, 1867, and the maintenance of such poor therein, shall be repayable in like manner as expenses for the provision of wards for the same class of poor under section sixty-nine of the said Act."

district from among themselves, or from among ratepayers qualified to be guardians therein, or partly from one and partly from the other. [*See also 32 & 33 Vict. c. 63, s. 6.*]

Nomination of managers. **11.** Nominated managers shall be from time to time nominated by the Poor Law Board* from among Justices of the Peace for any county or place resident in the district, or from among ratepayers . . . assessed to the poor rate therein on an annual rateable value of not less than forty pounds, or partly from one and partly from the other. [*Words omitted ("resident in the district and") rep. 31 & 32 Vict. c. 122, s. 9, and 56 Vict. c. 14 (S.L.R.).*]

Number, qualifications, etc. of managers. **12.** The Poor Law Board* shall from time to time by order prescribe the total number of the managers, and the proportion of the elective and nominated managers (but so that the prescribed number of the nominated managers do not ever exceed one third of the prescribed number of the elective managers), the number of elective managers to be elected for each union or parish in the district, the qualifications of the managers, their tenure of office, the mode and times of election, and the quorum for their meetings.

Validity of acts of managers notwithstanding vacancies. **13.** Any act or proceeding of the managers shall not be invalid by reason only of any vacancy in their body, or by reason only of any failure to elect or nominate or any defect or irregularity in or about the election or nomination of any person to be manager, or by reason only of the want of qualification or disqualification of any person acting as manager; and the managers shall be deemed lawfully constituted, and shall act, notwithstanding any such vacancy, failure, defect, irregularity, want of qualification, or disqualification.

Prohibition against managers being concerned in contracts. **14.** The provisions of the Poor Law Acts imposing penalties on guardians and their officers if concerned for their own profit in providing or in any contract for the supplying of anything for the use of workhouse or otherwise for the support or maintenance of the poor, and all remedies for recovery of such penalties, shall extend and apply to the managers and their officers.

Building for asylum. **15.** The Poor Law Board* may from time to time by order direct the managers to purchase or hire, or to build, and (in either case) to fit up a building or buildings for the asylum, of such nature and size, and according to such plan, and in such manner, as the Poor Law Board* think fit, and the managers shall carry such directions into execution. [*Amended 34 & 35 Vict. c. 15. s. 11, and the Poor Law Act 1897, s. 2.†*]

As to the purchase or hiring of lands, etc. by managers. **16.** The managers shall have for the purposes of the asylum the like powers as are for the time being vested in guardians of unions or parishes in the metropolis relative to the purchase or hiring of lands or buildings; but the consent of any ratepayers or owners of property in a union or parish shall not be necessary with respect to any sale, lease, or other disposition of any workhouse, building, or land by guardians or overseers to the managers. [*Amended by the Poor Law Act 1897, s. 2† See also 52 & 53 Vict. c. 56, s. 5.*]

17. [*Power to borrow money. Rep. by the Poor Law Act 1897, s. 3.*]

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

† S. 2 of the Poor Law Act, 1897 (60 & 61 Vict. c. 29) is as follows: "2. The power to provide land and buildings under the Metropolitan Poor Act, 1867, is hereby declared to include power to provide any land or buildings which may, in the opinion of the Local Government Board, be required for the purposes of that Act, and the provisions of section two of the Poor Law Act, 1889, with respect to loans by guardians

18. The Poor Law Board * may by order direct that any building for the time being in use as a workhouse be, with such alterations as the Poor Law Board * think fit, used for the asylum, and thenceforth that building shall be for the common use of the district accordingly; and an annual sum in the nature of rent or other compensation of such amount as the Poor Law Board * from time to time direct shall be paid to the guardians of the union or parish to which such building belongs, as long as the same continues to be so used.

Adaptation of existing workhouses for asylums.

19. If in any such case the managers expend any money in the improvement or enlargement of the building, or the providing of substantial fittings therein, and afterwards relinquish the use thereof, the Poor Law Board * may, if they think fit, make an adjustment in respect of that expenditure between the owners of the building and the managers, and direct such amount as they think equitable to be reimbursed to the managers by the owners of the building, to be paid at once or by instalments as the Poor Law Board * direct.

Reimbursement to managers of expenditure.

20. The managers shall from time to time provide for the asylum necessary fixtures, furniture, and conveniences, and such as the Poor Law Board * from time to time by order direct.

Furniture, etc. for asylum.

21. The mode of admission of persons into the Asylum shall be such as the Poor Law Board * from time to time by order direct.

Mode of admission into asylum.

22. The managers shall have the like powers as guardians for the relief, maintenance, and management of the inmates of the Asylum, and shall from time to time provide such medicines, appliances, and requisites for the medical and surgical care and treatment of the inmates, and cause the same to be furnished and used according to such rules, as the Poor Law Board * from time to time by order direct.

Powers and duties of managers in respect of inmates.

23. The following provisions of the Poor Law Amendment Act . . . 1844 shall extend to the asylum as if it were an asylum under that Act or a workhouse, and as if the managers were a district board under that Act, that is to say,—

Application of parts of 7 & 8 Vict. c. 101. as herein named.

So much of section forty-three as relates to rules of the Poor Law Board * for government of the asylum or its inmates, and to religious assistance and instruction;

Sections fifty, fifty-four, fifty-seven, and fifty-nine.

[*Word omitted* ("of") *rep.* 56 *Vict. c.* 14 (*S.L.R.*).]

24. With reference to chargeability, burial, and other incidents, the asylum shall in relation to each inmate thereof be deemed to be in the union or parish from which such inmate is sent; but births and deaths in the asylum shall be registered by the registrar in whose district the asylum is situate.

Chargeability, etc. of inmates.

25. The managers shall have the like powers as guardians for the appointment, control, and payment of paid officers of the asylum, and the grant of superannuation allowances to them.

Appointment, etc. of paid officers.

The duties, number, and salaries of the paid officers, and the securities to be given by them, shall be such as the Poor Law Board * may from time to time approve or by order direct.

of unions as amended by this Act, shall apply, for the purpose of borrowing under the Metropolitan Poor Act, 1867, instead of section seventeen of the last-mentioned Act, but with the substitution of 'one-tenth of the rateable value of the district' for 'one-fourth' of the rateable value of the union."

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

Enforcement
of orders of
managers.

26. Legal and reasonable orders of the managers shall be obeyed, and obedience thereto shall be enforced, in like manner and by and under like remedies and penalties as legal and reasonable orders of guardians.

Committees
of managers.

27. The managers may from time to time, subject and according to such regulations as the Poor Law Board* from time to time by order prescribe, appoint committees of members of their body, and delegate to them any of the powers of the managers.

Orders of
Poor Law
Board as to
managers.

28. The managers shall, in the exercise and discharge of all their powers and duties, be subject to orders of the Poor Law Board* in like manner as guardians are under the Poor Law Acts.

Use of
asylums as
medical
schools.

29. Where the asylum is provided for reception and relief of the sick or insane it may be used . . . for the training of nurses, in such cases and manner and subject to such regulations as the Poor Law Board* from time to time by order direct. [*Words omitted* ("for the purposes of medical instruction and") *rep.* 32 & 33 *Vict. c. 63, s. 20, and 56 Vict. c. 14 (S.L.R.) ; but see 52 & 53 Vict. c. 56, s. 4.*]

Representa-
tive of Com-
missioners in
Lunacy.

30. Where the asylum is provided for reception and relief of the insane the Commissioners in Lunacy may, if they think fit, depute one of their body or appoint from time to time a special commissioner, and the person so deputed or appointed shall be entitled to attend meetings of the managers and to take part in their proceedings, but not to vote. . . . [*Part omitted (asylum to be considered a workhouse) rep. by the Lunacy Act 1890, s. 342.*]

Expenses of
providing
asylum and
salaries.

31. Expenses incurred by the managers in or about the purchasing, hiring, building, repairing, and fitting up of buildings for the asylum, and any sum in the nature of rent or other compensation, payable by the managers to guardians, in respect of the use for the asylum of a building previously used as a workhouse, and expenses incurred by the managers in or about the providing of fixtures, furniture, conveniences, medicines, medical and surgical appliances, and other necessities required for keeping the asylum in proper order for daily use, and the salaries and maintenance of the officers thereof, shall be defrayed by contributions from the unions and parishes forming the district.

Charges for
maintenance,
etc.

32. Expenses incurred by the managers in or about the food, clothing, maintenance, care, treatment, and relief, or for the burials, of inmates of the asylum shall be separately charged to the respective unions or parishes from which the inmates of the asylum are sent.

Audit of
accounts.

33. The Poor Law Board* shall appoint some person to be the auditor of the district, who shall audit the accounts of the managers and of their officers ; and those accounts shall accordingly be prepared for and submitted to the auditor at such times and in such manner as the accounts of guardians of unions are by the Poor Law Acts required to be prepared and submitted. [*See the District Auditors Act 1879.*]

Powers of
auditor.

34. The auditor shall have the like powers of allowing and disallowing accounts, and of making surcharges therein, as auditors appointed under the Poor Law Acts have for the time being ; and sums disallowed, reduced, or surcharged in the accounts submitted to the auditor shall be recoverable in like manner as under the Poor Law Acts ; and there shall be the like appeal to the Court of Queen's Bench or to the Poor Law Board* against an allowance,

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

disallowance, or surcharge made by the auditor, as in case of the audit of union or parish accounts.

35. Within one month after each audit the managers shall deliver, by post or otherwise, to each board of guardians in the district a printed abstract (in a form from time to time prescribed by the Poor Law Board*) of the accounts as audited. Circulation of abstract of accounts.

36—37. [*Remuneration of auditor—Removal and appointment of new auditor. Rep. by the District Auditors Act 1879, s. 11.*]

Medical Out-door Relief.

38. The Poor Law Board* may from time to time, by order, direct the guardians of a union or parish in the metropolis to provide a dispensary or dispensaries for such union or parish, and to purchase or hire, or to build, and (in either case) to fit up and furnish a building or buildings for that purpose, of such nature and size, and according to such plan, and in such manner as the Poor Law Board* think fit, or to set apart, adapt, fit up and furnish for that purpose such part of the workhouse of the union or parish, according to such plans, and in such manner, as the Poor Law Board* think fit, and the guardians shall act accordingly; and, where the Poor Law Board* by order so direct, the guardians may borrow the amount requisite in that behalf, in like manner and subject to the like conditions as in the case of the building of a workhouse. [*See also 32 & 33 Vict. c. 63, ss. 12—14.*] Building for dispensary.

39. There shall be a committee of management for the dispensary or dispensaries in each union or parish, to be called the dispensary committee for the union or parish (and in this Act the term “the dispensary committee” means, in relation to each union parish, the dispensary committee for the same for the time being). Dispensary committee.

40. The dispensary committee shall be elected by the guardians of the union or parish from among themselves, or from among ratepayers of the union or parish assessed to the poor rate on an annual rateable value of not less than forty pounds, or partly from one and partly from the other. Election of committee.

41. The Poor Law Board* shall from time to time prescribe with respect to each committee the number and tenure of office of the members, the mode and times of election, and the quorum for their meetings. Number, etc. of committee.

42. The guardians of each union or parish providing a dispensary shall also provide, according to the directions of the Poor Law Board,* proper places where the medical officers of the union or parish may see such of the sick poor as attend there for advice, and where meetings of the dispensary committee may be held. Places for seeing sick poor, etc.

43. The dispensary committee shall from time to time appoint and shall at all times keep appointed proper persons to be dispensers of medicine at the dispensaries for the union or parish, and may from time to time appoint such other officers and such servants for the purposes of those dispensaries as they think fit. Appointment of dispensers, etc.

The duties, qualifications, number, and salaries of the dispensers, officers, and servants shall be such as the Poor Law Board* may from time to time approve or by order direct.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

Provision and dispensing of medicines, etc.

44. The guardians of each union or parish providing a dispensary shall from time to time, on the requisition of the dispensary committee, provide proper medicines and appliances and requisites for the care and surgical treatment of the sick poor of the union or parish relieved out of the workhouse, and the same shall be dispensed and furnished to such of the poor entitled to relief as require the same, on the prescription or written direction of the district medical officer, subject to such regulations as the Poor Law Board* from time to time by order direct.

Appointment of district medical officers.

45. The district medical officers for a union or parish shall be from time to time appointed by the dispensary committee, subject to the rules and orders of the Poor Law Board* respecting appointment and removal of officers under the Poor Law Acts; but the district medical officers in office at the time of the dispensary committee entering on their duties shall continue in office as if this Act had not been passed, subject nevertheless to such modifications of arrangements respecting their duties and remuneration, made with them before the passing of this Act, as the Poor Law Board* think fit.

Modification of districts, salaries, and contracts with district medical officers.

46. For giving effect to the provisions of this Act relating to medical relief out of the workhouse, the Poor Law Board* may from time to time vary as they think fit medical districts, salaries, and contracts with district medical officers, existing at the passing of this Act or at any time thereafter.

District and Separate Schools.

Certain provisions as to charge of expenses of buildings, etc. as in 7 & 8 Vict. c. 101, s. 47, 13 & 14 Vict. c. 11, repealed.

47. So much of section forty-seven of the Poor Law Amendment Act . . . 1844 . . . as provides for payment by unions as therein mentioned of expenses incurred by any district board in the purchase or hire of any land or buildings for a school, or in erecting, repairing, adding to, or fitting up any building, and the salaries of the officers and servants of the establishment, and other common charges of the school, shall, . . . as far as those provisions relate to a district in the metropolis, be repealed. . . . [*Parts omitted* ("from the 29th day of September next," and as to mode of payment of expenses) *rep.* 56 Vict. c. 14 (S.L.R.), and (*repeal of* 13 & 14 Vict. c. 11) *rep.* 38 & 39 Vict. c. 66 (S.L.R.).]

Charges for buildings and salaries of officers of district schools.

48. Expenses incurred by a district board constituted under the Poor Law Amendment Act . . . 1844 for the maintenance of a district school for a district in the metropolis in the purchase or hire of land or buildings for the school, and the salaries of officers, and all other common charges of such school, shall, . . . be defrayed by contributions from the unions and parishes forming the district, as in this Act provided. [*Words omitted* ("of" and "from the said 29th day of September next") *rep.* 56 Vict. c. 14 (S.L.R.).]

Addition of nominated members to district board.

49. The Poor Law Board* may from time to time nominate to be members of such a district board such persons as they think fit from among Justices of the Peace for any county or place resident in the district of the school, or from among ratepayers resident in that district, and assessed to the poor rate therein on an annual rateable value of not less than forty pounds, or partly from one and partly from the other, but so that the number of members so nominated do not ever exceed one third of the full number of the elected members of the board.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

Workhouses for Classes of Poor.

50. Where, in the opinion of the Poor Law Board,* the workhouse of a union or parish in the metropolis is adapted only for the reception of poor persons of a particular class or particular classes, but is capable of accommodating poor persons of that class or those classes from any other union or parish within the metropolis, the Poor Law Board* may by order direct the guardians of the union or parish to which the workhouse belongs to receive, lodge, and maintain therein poor persons of that class or those classes, or any of them, and the guardians shall receive, lodge, and maintain such poor persons accordingly on terms to be agreed on, with the approval of the Poor Law Board,* by the respective boards of guardians of the unions or parishes concerned, or, in default of such agreement, to be prescribed by the Poor Law Board* by order: and in every such case the following provisions shall have effect:

Reception in workhouses of poor belonging to other unions or parishes.

- (1.) Every poor person so received into the workhouse shall, while therein, be treated in all respects in like manner, and be subject to the same or the like regulations and liabilities, as the other poor persons therein, and shall be chargeable in the first instance to the union or to the parish in the workhouse whereof he is received:
- (2.) The abiding of any such poor person in such workhouse shall in all other respects be attended with the same legal consequences as if the workhouse were situate within the union or parish from which he is sent:
- (3.) Every guardian of the union or parish from which such poor person is sent may at all reasonable times enter the workhouse and inspect any part thereof.

Lands.

51. The provisions of the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter sixty-nine) "to facilitate the Conveyance of Workhouses and other Property of Parishes, and of Incorporations or Unions of Parishes, in England and Wales," relative to the acquisition of sites or buildings for workhouses, and of all Acts extending or amending the same, shall apply to lands and buildings required to be purchased, hired, or otherwise acquired for any of the purposes of this Act, and shall have effect as if managers under this Act were guardians, and as if an asylum or dispensary were a workhouse.

Provisions of 5 & 6 W. 4. c. 69, hereinafter named to apply.

52. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (in this Act referred to as the Lands Clauses Acts) are hereby incorporated with this Act, and for the purposes of this Act the term the promoters of the undertaking used in those Acts shall mean managers or guardians desirous of purchasing lands for purposes of this Act; and in those Acts and this Act the term lands shall include any estate, term, easement, right, or interest in, over, or affecting lands. [Amended 31 & 32 Vict. c. 122, s. 35.]

Certain parts of 8 & 9 Vict. c. 18, and 23 & 24 Vict. c. 106, incorporated.

53. So much of the Lands Clauses Acts as relates to the purchase of lands otherwise than by agreement shall not be put in force except for the purchase of lands for the purpose of enlarging a workhouse, hospital, or school existing at the passing of this

Provisions as to compulsory purchase of land.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

Act, and then not without a previous order of the Poor Law Board * directing such purchase.

Notice of
application
as to lands.

54. Before the Poor Law Board * make any such order the managers or guardians applying to them for the same shall publish once at least in each of four consecutive weeks in a daily morning newspaper published in the metropolis an advertisement stating the object for which the lands are proposed to be taken, and the quantity of lands required, and the place where a plan of the lands is open for inspection at reasonable hours, and shall four weeks before the application to the Poor Law Board * serve notices on the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, stating the particulars thereof, and that the managers or guardians are willing to treat for purchase thereof.

Contributions of Unions and Parishes.

Basis of
contributions.

55. Sums to be contributed under this Act by unions and parishes shall be assessed on and contributed by them respectively in proportion to the annual rateable value of the property therein comprised, to be determined according to the valuation lists, or, where there are none, according to the latest poor rate for the time being for the union or parish, or on such other basis as the Poor Law Board * from time to time direct.

Calls for con-
tributions by
managers and
district
boards.

56. The managers of an asylum under this Act, and the district board constituted under the Poor Law Amendment Act . . . 1844 for the maintenance of a district school, shall from time to time call on the guardians of the unions and parishes forming the district for such contributions as the managers or district board consider requisite for the purposes of the asylum or school. [*Word omitted* ("of") *rep.* 56 *Vict. c.* 14 (*S.L.R.*).]

Notice of call
for contribu-
tion.

57. Notice in writing of the amount of every such contribution, purporting to be signed by the clerk or other officer of the managers or district board (in a form from time to time prescribed by the Poor Law Board * by order), shall fourteen days at least before such contribution becomes due be delivered to the clerk or acting clerk of the guardians of each union and parish liable to the contribution, either by post in a letter addressed to him at the office of the union or parish or otherwise.

Remedies for
recovery of
contributions.

58. If the contribution is not duly paid the managers or district board shall (in addition to any other remedy which any person has for the time being against guardians) have the like remedy for recovery of the contribution, or of so much thereof as is not paid, from the overseers or other officers authorized to levy poor rates in the several parishes (whether comprised in a union or not) in the district, as guardians have for the time being for recovery from overseers of contributions of parishes; and if the overseers of any parish in a union pay any money to the managers or district board on account of such contribution they shall be entitled to credit for such payment in the accounts of the union with their parish.

Medical In-door Relief.

Determina-
tion or varia-
tion of con-
tracts with

59. In order to facilitate provision for the appointment, where requisite, of resident workhouse medical officers, and for better

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

classification and management of the sick poor in a separate hospital or building, or in an infirmary kept distinct from the rest of the workhouse, the Poor Law Board * may, by order, determine, or from time to time vary as they think fit, any contract with any medical or other workhouse officer existing at the passing of this Act, and direct the guardians to pay to a medical or other officer affected thereby such compensation by way of increased salary, or of an annuity, or of a gross sum, or otherwise, as the Poor Law Board * think fit. [*Amended 39 & 40 Vict. c. 61, s. 41.*]

workhouse
medical
officers.

Houseless Poor.

60. [*Repeal of ss. 1 and 2 of 27 & 28 Vict. c. 116. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

Metropolitan Common Poor Fund.

61. There shall be a fund, called The Metropolitan Common Poor Fund, raised according to the provisions of this Act by contributions from the several unions, parishes, and places in the metropolis (in this Act referred to as the Common Poor Fund).

Establish-
ment of
Metropolitan
Common
Poor Fund.

62. There shall be a receiver of the Common Poor Fund (in this Act referred to as the Receiver), who shall be from time to time appointed by and shall be removeable by the Poor Law Board,* and shall receive such salary and give such security (if any) as the Poor Law Board * direct.

Appointment
of Receiver
of Common
Fund.

63. The Receiver shall open an account with . . . the Bank of England, intituled The Account of the Receiver of the Metropolitan Common Poor Fund for the time being. [*Words omitted ("the Governor and Company of") rep. 56 Vict. c. 14 (S.L.R.).*]

Receiver to
open account
at Bank of
England.

64. The Poor Law Board * shall from time to time assess on the several unions and parishes in the metropolis the amounts of their respective contributions to the Common Poor Fund, in proportion to the annual rateable value of the property therein comprised, to be determined according to the valuation lists, or, where there are none, according to the latest poor rate for the time being for the union or parish, or on such other basis as the Poor Law Board * from time to time direct.

Assessment
of contribu-
tions to
Common
Fund.

65. The Poor Law Board * shall from time to time issue to the guardians of each union or parish a precept under the seal of the Board requiring them to pay the amount of their contribution therein specified, in the manner and within the time therein prescribed, and the guardians shall accordingly raise the amount of their contribution out of the poor rates of the union or parish, and shall pay the same into the Bank of England to the credit of the account of the Receiver; and no such precept shall be liable to be removed into any court of law by certiorari or otherwise, nor shall any order of the guardians, or any rate made after the passing of this Act, be liable to question in any such court on the ground of its having been made wholly or partly in furtherance of any such precept: Provided always, that the guardians shall be entitled to have credit in part payment of their contribution for the amount which may be repayable to them out of the Common Poor Fund, under the precept of the Poor Law Board,* as herein-after mentioned, in respect of expenditure during the preceding half year.

Collection of
Common
Fund.

* Now the Local Government Board. See the Local Government Board Act 1871 s. 2.

Collection of contributions by local authority where no poor rate.

66. In order to obtain payment of the amount of the contribution to the Common Poor Fund payable in respect of any place where there is no poor rate, the Poor Law Board* shall from time to time issue to the masters of the bench, treasurer, governors, or other body or persons having the chief control or authority there, a precept requiring them or him to pay the amount of contribution therein specified, in the manner and within the time therein prescribed, and they or he shall pay the same accordingly. [*See the Extra-parochial Places Act 1857, s. 3, noted on p. 241.*]

Levying of rate by local authority.

67. In every such place the masters of the bench, treasurer, governors, or other body or persons, may levy on the several persons occupying rateable property therein the amount of contribution so paid by them or him by means of a rate in the nature of a poor rate, and for that purpose may employ and remunerate collectors, and shall have the like powers as are for the time being vested in overseers for the purposes of the making, assessing, levying, and collecting of poor rate.

Remedies for recovery of contributions.

68. If any contribution to the Common Poor Fund required by the Poor Law Board* to be paid by any guardians, masters of the bench, treasurer, governors, or other body or persons, is not duly paid, the Receiver shall (in addition to any other remedy which any person has for the time being against guardians) have the like remedy for recovery from them or him, in the Receiver's own name, of the contribution, or of so much thereof as is not paid, as guardians have for the time being for recovery from overseers of contributions of parishes; and for that purpose the precept of the Poor Law Board* requiring the contribution shall be conclusive evidence of the amount thereof and of the liability thereto of the party sued.

Application of Common Fund.

69. Expenses incurred for the following purposes . . . shall be repaid out of the Common Poor Fund, that is to say,—

- (1.) For the maintenance of lunatics in asylums, registered hospitals, and licensed houses, and of insane poor in asylums under this Act, except such expenses as are chargeable on the County Rate: [*See 51 & 52 Vict. c. 41, s. 68.*]
- (2.) For the maintenance of patients in any asylum specially provided under this Act for patients suffering from fever or smallpox: [*Amended by 52 & 53 Vict. c. 56, s. 3 (4).*]
- (3.) For all medicine and medical and surgical appliances supplied to the poor in receipt of relief by guardians under this Act or any of the Poor Law Acts:
- (4.) For the salaries of all officers employed by the guardians in and about the relief of the poor by the managers of district schools under "The Poor Law Amendment Act, 1844," and by the managers of asylums under this Act, and also the salaries of the dispensers and other persons employed in dispensaries under this Act, provided the appointments of the officers have been sanctioned by the Poor Law Board*:
- (5.) For compensation to any medical officer of a workhouse affected by the determination or variation by the Poor Law Board* of a contract respecting medical relief in the workhouse, or for compensation to any officer of a union or parish who may be deprived of his office by reason of the operation of this Act:

7 & 8 Vict.
c. 101.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

- (6.) For fees for registration of births and deaths :
 (7.) For fees for and other expenses of vaccination :
 (8.) For maintenance of pauper children in district, separate, certificated, and licensed schools :
 (9.) For relief of destitute persons certified by the auditor, and provision of temporary wards or other places of reception approved by the Poor Law Board,* under the Metropolitan

Houseless Poor Acts of 1864 and 1865.

[See also 32 & 33 Vict. c. 63, ss. 15 and 21 ; 33 & 34 Vict. c. 18, ss. 1 and 2 ; 54 & 55 Vict. c. 76, ss. 79 and 104 ; and 61 & 62 Vict. c. 45, s. 1. Words omitted ("after the 29th day of September 1867") rep. 56 Vict. c. 14 (S.L.R.).]

27 & 28 Vict.
c. 116.
28 & 29 Vict.
c. 34.

70. After each half-yearly audit the auditors shall, within such time and in such manner as the Poor Law Board* from time to time direct, certify to the Poor Law Board* the amount actually expended by each union or parish in respect of expenses which are to be repaid out of the Common Poor Fund ; and the Poor Law Board* shall, by precept under the seal of the Board, direct the Receiver to repay out of that fund to the guardians of the unions and parishes the several sums so expended, and the amount repaid shall be applied by them in aid of the fund chargeable with the relief of the poor.

Mode of
repayment
out of
Common
Fund.

71. The salaries of the Receiver and his assistants, and all expenses incurred by him in the execution of this Act, shall be paid out of the Common Poor Fund.

Receiver's
salary, etc.

72. The account of the Receiver at the Bank of England shall be drawn on in such manner and according to such regulations as the Poor Law Board* from time to time by order direct.

Drawing on
Receiver's
account.

Poor Relief under Local Acts.

73. The relief of the poor of every union or parish in the metropolis governed by a local Act shall, from and after a day to be stated in an order of the Poor Law Board* in relation to each union or parish, be, notwithstanding anything in such local Act, administered by a board of guardians elected according to the Poor Law Acts, and in conformity with an order of the Poor Law Board*.

Constitution
of guardians
for parishes
under local
Acts.

74. The guardians so constituted under this Act, notwithstanding anything in any local Act, shall have the same powers and authorities, and shall be subject to the same orders, regulations, and restrictions, as guardians elected under the Poor Law Acts.

Powers of
new board
of guardians.

75—76. [*Transfer to guardians constituted under this Act of property belonging to parishes or unions governed by local Acts, and held for purposes of poor relief and guardians' business and as to continuance of existing officers. Semble spent.*]

77. Nothing in this Act shall deprive any body constituted under a local Act of any power thereby vested in them of making and levying poor rates ; and in relation to guardians constituted under this Act every such body shall be deemed overseers within the Poor Law Acts as far as regards liability to payment of contributions required by guardians for purposes of the relief of the poor in the union or parish.

Saving for
rating powers
of existing
bodies.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

78. [*Repeal (so far as they relate to the metropolis) of so much of s. 64 as prevents the union of parishes governed by local Acts, without consent of the guardians, and of s. 65 of the Poor Law Amendment Act 1844. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

79. [*Power to Poor Law Board* to nominate additional guardians. Rep. 56 & 57 Vict. c. 73, s. 89.*]

Officers.

Appointment of officers on failure of managers, etc.

80. In case at any time any managers of an asylum or dispensary committee under this Act, or any board of guardians of a union or parish in the metropolis, fail, for fourteen days after receipt of a requisition of the Poor Law Board* in this behalf, to appoint (either originally or on a vacancy) any officer whom they are by law required or authorized to appoint, then at any time after the expiration of that period of fourteen days the Poor Law Board* may, if they think fit, by order, appoint a fit person to be such officer; and the person so appointed shall have and perform all the same powers, rights, privileges, and duties as if the appointment had been duly made by the managers, committee, or guardians, as the case may be.

Borrowing.

Extension of borrowing powers.

81. Where the guardians of a union or parish in the metropolis require to borrow money for the purposes and under the authority of the Poor Law Acts, the principal sum borrowed may be any sum not exceeding one half of the aggregate amount of the rates raised for the relief of the poor in that union or parish within three years ending on the twenty-fifth day of March next preceding the borrowing of the money, anything in the said Acts to the contrary notwithstanding. [*See also 52 & 53 Vict. c. 56, s. 2 (6), semble repealing this s. 81.*]

Provision for orders of removal and of maintenance.

82. Nothing in this Act contained shall prevent any board of guardians or churchwardens and overseers from obtaining any order of removal or any order of maintenance in respect of any pauper by reason of the costs and expenses of such pauper being repaid out of the Common Fund.

CHAPTER 39.

AN ACT FOR AMENDING THE LAW WITH RESPECT TO THE ACCOUNTS OF THE RECEIVER FOR THE METROPOLITAN POLICE DISTRICT; AND FOR OTHER PURPOSES RELATING TO THE METROPOLITAN POLICE. [15th July 1867.]

[*Preamble (referring to the audit of the accounts of the Receiver of the Metropolitan Police District under 29 & 30 Vict. c. 39) rep. 56 Vict. c. 14 (S.L.R.).*]

As to the accounts to be laid before Parliament.

1. The amount of all monies received and expended for the purposes of the Act passed in the tenth year of King George the Fourth, chapter forty-four, shall be made up to the 31st day of March . . . in each year, and shall annually be laid before both Houses of Parliament within thirty days after the thirty-first day of March, if Parliament be then sitting, or within thirty days after the first meeting of Parliament subsequent to such last-mentioned

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

day. [*Words omitted ("in lieu of the thirty-first day of December") rep. 56 Vict. c. 14 (S.L.R.).*]

2. [*As to salary of Receiver. Rep. 62 & 63 Vict. c. 26, s. 1.*]

CHAPTER 134.

AN ACT FOR REGULATING THE TRAFFIC IN THE METROPOLIS, AND FOR MAKING PROVISION FOR THE GREATER SECURITY OF PERSONS PASSING THROUGH THE STREETS, AND FOR OTHER PURPOSES.

[*20th August 1867.*]

[*Preamble rep. 56 Vict. c. 14 (S.L.R.).*]

Preliminary.

1. This Act may be cited for all purposes as "The Metropolitan Streets Act, 1867."

2. In this Act "the metropolis" shall mean the city of London and all parishes and places for the time being within the jurisdiction of the Metropolitan Board of Works. Definition of "the metropolis."

3. The following expressions for the purposes of this Act shall, unless the context requires a different construction, have the meanings herein-after assigned to them; that is to say, Definitions:

"Magistrate" shall, within the city of London and the liberties thereof, mean the Lord Mayor of the city of London, or any alderman of the said city, sitting alone or with others at the Mansion House or Guildhall, and in the rest of the metropolis shall mean any Metropolitan Police Magistrate: "Magistrate:"

"Commissioner of Police," beyond the limits of the city of London and the liberties thereof, shall mean "the Commissioner of Police of the Metropolis," and within such limits "the Commissioner of the Police Force of the City of London and the Liberties thereof:" "Commissioner of Police:"

"Street" shall include any highway or other public place, whether a thoroughfare or not; and any of the royal parks, gardens, and possessions which are managed by the Commissioners of . . . Works, . . . in pursuance of the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter forty-two, shall, for the purposes of this Act, be deemed to be public places: "street:"

The word "cattle" shall include bull, ox, cow, heifer, calf, sheep, goats, and swine, also horses, mules, and asses, when led in a string or loose. "cattle."

[*Words omitted ("Her Majesty's" and "and Public Buildings") rep. 56 Vict. c. 14 (S.L.R.).*]

4. The expression "the general limits of this Act" shall mean such parts of the metropolis as are enclosed in a circle of which the centre is Charing Cross, and the radii are four miles in length, as measured in a straight line from Charing Cross: General limits of Act.

The expression "the special limits of this Act" shall mean such streets and portions of streets as may be declared to be special limits in manner herein-after provided. Special limits of Act.

[*Amended by the Metropolitan Streets Act 1885, s. 2.†*]

* Now the London County Council. See 51 & 52 Vict. c. 11, s. 40 (S.).

† S. 2 of the Metropolitan Streets Act 1885 (48 Vict. c. 48) is as follows: "2. In section four of the Metropolitan Streets Act 1867 'six miles' shall be substituted for 'four miles,' and the said Act shall take effect and be construed accordingly."

PART I.

General Regulations.

Prohibition
of scavenger-
ing except
between
certain
hours.

5. No person shall, . . . between the hours of ten in the morning and seven in the evening, in such streets as may be named by the Commissioner of Police, remove any ashes, dust, or refuse from any house in any street.

Any person doing any act in contravention of this section shall be liable for each offence to a penalty not exceeding forty shillings.

[*Words omitted* ("after the 1st day of January 1868") *rep.* 56 *Vict.* c. 14 (*S.L.R.*) *See also s.* 25 ; *and* 54 & 55 *Vict.* c. 76, *ss.* 16 (2) *and* 39—36.]

As to the
deposit of
goods in
streets
within
general
limits of
Act.

6. No goods or other articles shall be allowed to rest on any footway or other part of a street within the general limits of this Act, or be otherwise allowed to cause obstruction or inconvenience to the passage of the public, for a longer time than may be absolutely necessary for loading or unloading such goods or other articles.

Any person doing any act in contravention of this section shall be liable for each offence to a penalty not exceeding forty shillings. . . .

[*Amended, and part omitted* (*certain spaces to be deemed part of footway*) *rep.* 31 & 32 *Vict.* c. 5, *s.* 1.* *See also* 57 *Geo.* 3, *c.* xxix. *s.* 65.]

Cattle not to
be driven
through
streets
within cer-
tain hours.

7. No person shall drive or conduct any cattle through any street within the general limits of this Act between the hours of ten in the morning and seven in the evening, except with the permission of the Commissioner of the Police.

Any person driving or conducting cattle in contravention of this section shall be liable to a penalty not exceeding ten shillings for each head of cattle so driven or conducted.

[*See also* 2 & 3 *Vict.* c. 47, *s.* 51, *and the Islington Parish Act* 1857, *s.* 3.]

Regulations
as to metro-
politan stage
carriages.

8. Within the general limits of this Act the driver of a metropolitan stage carriage shall not stop such carriage for the purpose of taking up or setting down passengers at any part of a street except as near as may be to the left or near side of the roadway.

Any driver of a metropolitan stage carriage acting in contravention of this section shall be liable for each offence to a penalty not exceeding forty shillings.

Prohibition
of carriage
of adver-
tisements,
except those
approved by
Commis-
sioner of
Police.

9. No picture, print, board, placard, or notice, except in such form and manner as may be approved of by the Commissioner of Police, shall, by way of advertisement, be carried or distributed in any street within the general limits of this Act by any person riding in any vehicle, or on horseback, or being on foot.

Any person doing any act in contravention of this section shall be liable for each offence to a penalty not exceeding ten shillings.

This section shall not apply to the sale of newspapers.

[*See also* 16 & 17 *Vict.* c. 33, *s.* 16.]

* S. 1 of the Metropolitan Streets Act Amendment Act 1867 (31 & 32 *Vict.* c. 5) is as follows: "1. The sixth section of 'The Metropolitan Streets Act 1867,' prohibiting the deposit of goods in the streets, shall not apply to costermongers, street hawkers, or itinerant traders, so long as they carry on their business in accordance with the regulations from time to time made by the Commissioner of Police, with the approval of the Secretary of State; and so much of the said sixth section as refers to the surface of any space that intervenes in any street between the footway and the carriageway is hereby repealed."

Special Limits.

10. The Commissioner of Police, with the approval of one of Her Majesty's principal Secretaries of State, may from time to time direct that any street or portion of a street within the general limits of this Act is to be deemed to be within the special limits of this Act, and may from time to time take any street or portion of a street out of the special limits of this Act : Provided,

Power of Commissioner of Police to make special limits.

1st. That an order made by the Commissioner of Police under this section shall not come into effect until the expiration of ten days from the date of the approval thereof by the Secretary of State :

2d. That notice that an order has been submitted for the approval of the said Secretary of State under this section in respect of any street or portion of a street shall be affixed to a lamp post or otherwise placarded in some conspicuous position in or near the street or portion of a street to which such intended order relates, and at the principal office of the local authority having charge of such street and of the Metropolitan Police and of the City Police respectively, for not less than twenty-eight days previously to the approval of the said Secretary of State being given to the said order :

3d. That a copy of such order when approved by the said Secretary of State shall be published in the *London Gazette*, and also affixed to a lamp post or otherwise placarded in some conspicuous position in or near the street or portion of a street to which the said order relates and shall always during the time that the order is in force be kept so affixed or placarded.

A copy of the *London Gazette* containing any order purporting to be made in pursuance of this section shall be evidence of the contents of such order and of the same having been duly made and approved in manner provided by this Act, and until the contrary is proved the provisions of this Act with respect to the affixing or placarding of such order shall be deemed to have been duly complied with.

11. The Commissioner of Police, with the approval of the said Secretary of State, and the Commissioner of City Police, with the consent of the Court of Mayor and Aldermen, and subject to the approval of the said Secretary of State, may from time to time make regulations to be observed by all persons within the special limits of this Act with respect to the following matters :

Regulations within special limits.

1. With respect to the route to be taken by all carts, carriages, or other vehicles, with power to prohibit any cart, carriage, or other vehicle from coming into any street or part of a street within the said limits for the purpose only of passing to its destination in some other street or part of a street :

2. With respect to the line to be kept by persons riding or driving :

And may, with the like approval, from time to time alter, vary, or repeal any regulation made by them, and make new regulations in addition to or in lieu of any existing regulations ; but this section shall not authorize the Commissioner of Police or the Secretary of State to limit the number of metropolitan stage carriages that may

pass down any street in pursuance of their ordinary trade. [See also 2 & 3 Vict. c. 47, ss. 51 and 52, and 3 Edw. 7, c. 17, s. 1.]

Penalty for disobedience to regulations.

12. Any person wilfully disregarding or refusing to conform to any regulation of the Commissioner of Police made in pursuance of this Act shall incur a penalty not exceeding forty shillings for each offence; and any constable may take into custody without warrant any person who within view of such constable wilfully disregards or refuses to conform to any such regulation, and refuses to give his name and address to such constable; and any printed copy of such regulations certified under the hand of the Commissioner of Police who made the same to be a true copy of regulations made by him, or purporting to be printed by the Queen's printer, shall be evidence of such regulations, and until the contrary is proved all such regulations shall be deemed to have been duly made.

Publication of regulations.

13. A printed copy of all regulations made by the Commissioner of Police in pursuance of this Act shall be hung up for public inspection in such places within his district as the Commissioner of Police thinks advisable; but it shall not be necessary in enforcing any regulation to prove that the provisions of this section have been complied with, nor shall the noncompliance therewith invalidate any regulation.

Regulation of metropolitan stage carriages in special limits.

14. Within the special limits of this Act no driver of or conductor of a metropolitan stage carriage shall take up or set down passengers at any place where he may for the time being be prohibited by regulation of the Commissioner of Police from taking them up or setting them down; and any driver or conductor acting in contravention of this section shall be liable for each offence to a penalty not exceeding forty shillings.

As to the loading and unloading of coal and casks in streets.

15. Between the hours of ten o'clock in the morning and six o'clock in the evening no coal shall be loaded or unloaded on or across any footway within the special limits of this Act, and between the same hours and within the same limits no casks, whether empty or full, (wine or spirits in cask excepted,) shall be lowered or drawn up by means of ropes, chains, or other machinery passing across the footway or any part thereof.

Any person doing any act in contravention of this section shall be liable for each offence to a penalty not exceeding forty shillings.

Prohibition of carriage of timber and other large articles between certain hours.

16. No person shall, within the special limits of this Act, and between the hours of ten in the morning and seven in the evening, except with the permission of the Commissioner of Police,—

1. Drive or conduct along any street any cart, carriage, or other vehicle laden with timber, metal, or any other article which exceeds in length thirty-five feet, or which protrudes more than eight feet six inches behind the vehicle or more than one foot from the sides of the vehicle;
2. Carry in any way along any street any ladder, scaffold pole, or other article which exceeds thirty-five feet in length or eight feet six inches in breadth;
3. Drive or conduct along any street any cart, waggon, or other vehicle used for conveying goods or merchandise, and drawn by more than four horses;

Any person acting in contravention of this section shall for each offence be liable to a penalty not exceeding forty shillings.

No penalty shall be imposed on or costs awarded against any person for acting in contravention of this section if such person

prove to the satisfaction of the Magistrate having power to impose the penalty that the act alleged to be in contravention of this section was done on the occasion of a fire or other sudden emergency with a view to prevent accident, or to save life or property.

Any byelaw, rule, or regulation made or to be made within the city of London and the liberties thereof that is inconsistent with this section shall be void.

PART II.

Hackney Carriages.

17. The following regulations shall be made with respect to Regulations hackney carriages as defined by the Hackney Carriage Acts, and as to plying within the limits defined for the purposes of those Acts :—
hackney carriages.

2. The Commissioner of Police of the Metropolis may from time to time cause to be affixed such plate or mark in such position as he thinks expedient to any hackney carriage certified by him to be in a fit condition for public use, and may cause to be removed such plate or mark whenever such carriage has, after notice to the owner thereof, been determined by him to be in a condition unfit for public use. If any plate or mark adopted by the said Commissioner of Police of the Metropolis for distinguishing hackney carriages that are fit for public use is affixed to any hackney carriage without his authority, or if any plate or mark counterfeiting or resembling such authorized plate or mark is affixed to any hackney carriage, the owner of the carriage, and also the driver (unless such owner or driver proves that he was ignorant of the plate or mark being affixed to the carriage in contravention of this section), shall be liable for each offence to a penalty not exceeding forty shillings :

For the purposes of this Act the expression "Hackney Carriage Acts," shall mean the following Acts :

An Act passed in the session of the first and second years of the reign of King William the Fourth, chapter twenty-two, intituled "An Act to amend the Laws relating to Hackney Carriages, and to Waggon, Carts, and Drays, used in the Metropolis . . .":

An Act passed in the session of the sixth and seventh years of the reign of Her present Majesty, chapter eighty-six, intituled "An Act for regulating Hackney and Stage Carriages in and near London":

An Act passed in the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter seven, intituled "An Act for consolidating the Office of the Registrar of Metropolitan Public Carriages with the Office of the Commissioners of Police of the Metropolis, and making other Provisions in regard to the consolidated Offices":

An Act passed in the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter thirty-three, intituled "An Act for the better Regulation of Metropolitan Stage and Hackney Carriages, and for prohibiting the Use of Advertising Vehicles":

An Act passed in the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred

and twenty-seven, intituled "An Act to reduce the Duties payable in respect of Hackney Carriages used in the Metropolis, and to amend the Laws relating to the granting of Licences and Payment of Duties in respect of Metropolitan Stage and Hackney Carriages, and to make Provision as to the Charge for the Hire of Hackney Carriages in certain Cases."

[*Parts omitted (as to lamps on hackney carriages) rep. 38 & 39 Vict. c. 66 (S.L.R.) ; and (as to part of title of 1 & 2 Will. 4, c. 22) rep. 56 Vict. c. 14 (S.L.R.).*]

Dogs.

Regulations
as to dogs.

18. The police may take possession of any dog found in any street within the metropolis, and not under the control of any person, and may detain such dog until the owner has claimed the same, and paid all expenses incurred by reason of such detention.

The Commissioner of Police, if he see fit, may issue a notice requiring any dog while in the streets and not led by some person to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction ; and the police may take possession of any dog found loose in the streets without such muzzle during the currency of such order, and may detain such dog until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

Where any dog taken possession of by the police wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be sent by post to the address inscribed on the collar.

The Commissioner of Police may cause any dog which has remained in the possession of the police for three clear days without the owner claiming the same, and paying all expenses incurred by its detention, to be sold or destroyed. Any monies arising from the sale of any dogs in pursuance of this section shall be applied in the manner in which penalties under this Act are applicable.

When, upon complaint that any dog has bitten or attempted to bite any person within the metropolis, it appears to the Magistrate having cognizance of such complaint that such dog ought to be destroyed, the Magistrate may direct the dog to be destroyed, and any police constable may destroy the same accordingly ; and all dogs detained by the police under this section shall be properly fed and maintained. [*See also 2 & 3 Vict. c. 47, ss. 54 (2) and 61 ; the Dogs Act 1871, and the Diseases of Animals Act 1894, s. 22 (xxxi.).*]

Shoeblacks and Messengers.

As to the
licensing
shoeblacks
and mes-
sengers.

19. The Commissioner of Police may, if he thinks fit, from time to time license street shoeblacks, and commissionaires or messengers to exercise their calling, and appoint places at which they may stand to exercise their respective callings, and direct the numbers of each class who may stand at the appointed places.

Obstructions
at standings
prohibited.

20. Every shoeblack, and commissionaire or messenger, other than those authorized by the Commissioner of Police, who occupies the standings appointed by the said Commissioner, or who remains there after being required by a constable on duty to leave, and every person molesting or obstructing any authorized shoeblack, commissionaire, or messenger in the exercise of his calling, and every person not being an authorized shoeblack or commissionaire who fraudulently puts on or imitates the dress, or takes the name,

designation, or character, of any authorized shoeblack or commissionaire, shall for each offence be liable to a penalty not exceeding forty shillings.

21. [*Amendment of ss. 39 and 40 of 2 & 3 Vict. c. 47, relating to fairs. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

22. The said Secretary of State or the Commissioner of Police may cause to be attached to any lamp post any placard or signal he may think expedient for the purpose of carrying into effect the provisions of this Act. Placard, etc. may be affixed to lamp post.

***23.** Any three or more persons assembled together in any part of a street within the metropolis for the purpose of betting shall be deemed to be obstructing the street, and each of such persons shall be liable to a penalty not exceeding five pounds; and within the city of London and the liberties thereof any constable of the City Police Force, and without such limits any constable of the Metropolitan Police Force, may take into custody, without warrant, any person who may commit such offence in view of such constable. Prohibition of betting in streets.

24. The powers vested in the Commissioners of Police by the fifty-second section of the Act of the session of the second and third years of the reign of Her present Majesty, chapter forty-seven, with respect to keeping order in the streets and preventing obstructions may be exercised within the city and the liberties thereof by the City Commissioner of Police on all occasions when a street is thronged or liable to be obstructed. Extension of sect. 52. of 2 & 3 Vict. c. 47.

25. Notwithstanding anything contained in any Act of Parliament, it shall be lawful for the inhabitants in all such streets within the city of London or the liberties thereof as may from time to time be named by an order of the Commissioners of Sewers to deposit before eight o'clock in the morning on the curbstone of the foot pavement in a box or barrel all ashes, dust, or refuse, so that the same may be removed by the scavenger. [*See also the City of London Sewers Act 1897, and the City of London (Public Health) Act 1902, s. 4.*] Inhabitants of city of London to place dust, etc. on the curbstone before eight o'clock in the morning.

26. Where the fare now payable by law on hiring any hackney carriage standing on any stand shall not amount to one shilling the driver shall be entitled to charge one shilling. [*See 16 & 17 Vict. cc. 33 and 127.*] No fare to be less than 1s.

27. Penalties under this Act within the city of London and the liberties thereof shall be recovered and applied in manner directed by a local Act passed in the session holden in the second and third years of the reign of Her present Majesty, chapter ninety-four, and intituled An Act for regulating the Police in the City of London, and beyond the limits of the city of London and the liberties thereof shall be recovered and applied in manner directed by the Acts relating to the Metropolitan Police. Penalties.

All powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by any other Act of Parliament, and any such other powers may be exercised as if this Act had not passed.

28. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Acts relating to the Metropolitan Police and to the City Police. Construction of Act.

29. [*Commencement of Act (1st November 1867). Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

* See also 51 & 52 Vict. c. 41, s. 16, and the Municipal Corporations Act 1882, s. 23 (see Appendix) and byelaws thereunder in force (*inter alia*) within the counties of London, Middlesex, Essex, and the boroughs of Richmond and Croydon.

31 & 32 VICTORIA. A.D. 1868.

CHAPTER 8.

AN ACT TO PROVIDE FOR THE ACQUISITION OF A SITE FOR A MUSEUM
IN THE EAST OF LONDON. [28th February 1868.]

[Preamble recites that the lands described in the schedule form part of a charity estate situate in the parish of Saint Matthew, Bethnal Green, in the county of Middlesex, known as the Poor's Lands of that parish, and that the same are eligible as a site for the museum proposed to be established by the Department of Science and Art in the east of London, and it is expedient that they be sold for that purpose.]*

Power to
sell lands
in schedule
for purposes
of London
Museum.

1. For the purposes of the said museum, and purposes connected therewith, the persons for the time being acting as trustees of the said charity estate, or a majority of them, being not less than three fourths of the number of such acting trustees, may sell, and the persons for the time being acting as trustees for the establishment and maintenance of the said museum may purchase, all or any part of the said pieces of land, with the rights, easements, and appurtenances actually or by reputation belonging thereto, at such price and on such terms as they agree on, with the approbation of the Charity Commissioners for England and Wales.

Protection
for interests
omitted by
mistake to
be purchased.

2. On the payment of the purchase money, and the execution and delivery to the purchasers of an assurance of the lands sold, the purchasers shall stand seised thereof, absolutely discharged (save as in such assurance may be expressed) from all prior trusts, estates, and claims therein or thereto; but the provisions of the Lands Clauses Consolidation Act, 1845, with respect to interests in lands which have by mistake been omitted to be purchased, shall apply and take effect as if the lands had been acquired under the provisions of that Act, or as near thereto as circumstances admit; and those provisions are hereby incorporated with this Act; and for the purposes of this Act the term "the promoters of the undertaking" used in those provisions shall mean the purchasers under this Act.

Power to
transfer
lands, etc. to
Department
of Science
and Art.

3. The purchasers under this Act may hold the lands purchased by them, subject and according to the terms and conditions on which they purchase the same, and to the provisions of this Act, or may, on the request of the Department of Science and Art,† grant or dispose of the same to that Department, or as that Department directs, and the same when so granted or disposed of shall be held subject and according to the terms and conditions on which the same are purchased under this Act, and to the provisions of this Act, and shall be used and applied accordingly, and not otherwise; and no dwelling house shall be erected on any part of the land so purchased, except apartments in connexion with the museum itself, to be occupied by the officers thereof.

Short title.

4. This Act may be cited as the London Museum Site Act, 1868.

SCHEDULE.

Lands authorized to be purchased.

All those two pieces of land situate in the parish of Saint Matthew, Bethnal Green, in the county of Middlesex,* and lying on

* Now the county of London. See 51 & 52 Viet. c. 41, s. 40 (2).

† Now the Board of Education. See the Board of Education Act 1899.

the east side of the Cambridge Road there, and comprising together the land formerly known as The Green, as the same are delineated on the plan drawn in the margin of a memorandum of agreement dated the twenty-second day of November one thousand eight hundred and sixty-seven, and made or expressed to be made between William Howard, esquire, Edward Eagles, cordwainer, Richard Henry Ashford, pawnbroker, Robert Brookes, gentleman, Joseph Hamilton Cox, gentleman, William Engleburtt, silk manufacturer, Nathaniel Hardingham, gentleman, William Robert Frederick Lane, surgeon, John Millar, surgeon, William Mundy, builder, James Smart, surgeon, and George Samuel Webb, gentleman, inhabitants of the parish of Saint Matthew, Bethnal Green, of the one part, and the Reverend Septimus Cox Holmes Hansard, rector of the same parish, Antonio Brady of Stratford in the county of Essex, esquire, and John Moxon Clabon of 21 Great George Street, Westminster, esquire, of the other part, and are thereon coloured green, which said pieces of land are now in the several occupations of Symonds and Gardiner.

CHAPTER 67.

AN ACT TO AMEND THE LAW RELATING TO THE FUNDS PROVIDED FOR DEFRAYING THE EXPENSES OF THE METROPOLITAN POLICE.

[31st July 1868.]

[*Preamble (reciting that the expenses of the Metropolitan Police are defrayed out of an annual sum limited not to exceed 8d. in the £ on the full annual value of all property rateable for the relief of the poor within the parishes, townships, precincts, and places described in the Acts relating to the Metropolitan Police) rep. 56 Vict. c. 14 (S.L.R.).*]

1. This Act may be cited for all purposes as "The Police Rate Act, 1868." Short title.

2. The annual sum to be provided in pursuance of the . . . Acts for defraying the expenses of the Metropolitan Police Force shall not exceed ninepence in the pound, calculated on such value as aforesaid. . . . [Parts omitted (the word "said," and as to one-quarter of such annual sum being contributed by the Treasury and three-quarters raised by a rate) rep. by the Police Expenses Act 1875.* See also 51 & 52 Vict. c. 41, s. 24.] Manner of defraying expenses of Metropolitan Police Force.

3. There shall be paid to each Assistant Commissioner of Police in addition to his salary, as an allowance for house rent, such annual sum not exceeding three hundred pounds as may from time to time be directed by one of Her Majesty's principal Secretaries of State, with the assent of the . . . Treasury, and any allowance so paid shall be deemed to be part of the expenses of the Metropolitan Police. [*Rep. (with saving for existing officers) 62 & 63 Vict. c. 26, s. 1. Amended 47 & 48 Vict. c. 16, s. 3. Words omitted ("Commissioners of Her Majesty's") rep. 56 Vict. c. 14 (S.L.R.).*] Allowance to Assistant Commissioners for house.

4. [*Repeal of the Metropolitan Police Act 1833, and s. 10 of 20 & 21 Vict. c. 64: Acts relating to the Metropolitan Police to mean the following Acts: 10 Geo. 4. c. 44; 2 & 3 Vict. c. 47; 19 & 20 Vict. c. 2; 20 & 21 Vict. c. 64; 24 & 25 Vict. c. 124. Rep. 56 Vict. c. 14 (S.L.R.).*]

* Repealed by 56 & 57 Vict. c. 51 (S.L.R.).

Construction
of Act.

5. This Act shall be construed as one with the said Acts relating to the Metropolitan Police, and all the provisions of such Acts, save in so far as they are hereby varied or repealed, shall continue in full force.

CHAPTER 106.

* AN ACT FOR THE PREVENTION OF THE HOLDING OF UNLAWFUL FAIRS WITHIN THE LIMITS OF THE METROPOLITAN POLICE DISTRICT. [31st July 1868.]

[*Preamble rep. 56 Vict. c. 14 (S.L.R.).*]

Short title.

1. This Act may be cited for all purposes as "The Metropolitan Fairs Act, 1868."

Power to
summon
owner and
occupier of
ground on
which fair
is held.

2. Where any fair is holden or notice is given of any fair proposed to be holden on any ground within the metropolitan police district other than that on which a fair has been holden during each of the seven years immediately preceding, it shall be competent for the Commissioner of Police to direct one of the superintendents of the Metropolitan Police Force to summon the owner or occupier of the ground upon which such fair is holden to appear before a Magistrate forthwith, or at a time to be specified in the summons, to show his right and title to hold such fair; and if such owner or occupier do not attend in pursuance of such summons, or does not show to the Magistrate who hears the case sufficient cause to believe that such fair is lawfully holden, the Magistrate shall declare in writing such fair to be unlawful, and the Commissioner shall give notice of such declaration by causing copies thereof to be affixed on and near the ground where such fair is holden or proposed to be holden; and after such notice has been affixed for the space of six hours the Commissioner of Police may direct any constable to remove every booth, standing, and tent, and every carriage of whatsoever kind, conveyed to or being upon the ground for the purpose of holding or continuing such fair, and to take into custody every person erecting, pitching, or fixing, or assisting to erect, pitch, or fix, any such booth, standing, or tent; and every person hiring, accompanying, or conveyed in every such carriage, and every person resorting to such ground with any show or instrument of gambling or amusement, and every person convicted before a Magistrate of any of the offences aforesaid, shall be liable to a penalty of not more than ten pounds. [*See also 2 & 3 Vict. c. 47, ss. 38 and 39.*]

Service of
summons.

3. A summons under this Act may be served on the owner or occupier of any ground personally or by leaving the same at his usual or last known place of abode, or, if the name of such owner or occupier or his place of abode is not known to the police, by putting up such summons in a conspicuous place on the ground where the fair is holden or proposed to be holden, and it shall not be necessary to name the owner or occupier in the summons, but he may be described as the owner or occupier of the ground.

Act cumu-
lative.

4. All powers conferred by this Act shall be deemed to be in addition to, and not in derogation of, any other powers conferred

* The Fairs Acts 1871 and 1873 empower the Secretary of State for the Home Department, on a representation from the Justices or the owner, to abolish fairs with the consent of the owner, or to alter the days on which they are held.

by any other Act of Parliament, and any such other powers may be exercised as if this Act had not passed.

5. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Acts relating to the Metropolitan Police. Construction of Act.

CHAPTER 122.

AN ACT TO MAKE FURTHER AMENDMENTS IN THE LAWS FOR THE RELIEF OF THE POOR IN ENGLAND AND WALES.

[31st July 1868.]

[*Preamble.*]

9. . . . So much of the Metropolitan Poor Act, 1867, as requires persons, other than Justices of the Peace, nominated by the Poor Law Board* as managers or guardians, to be resident within the district, union, or parish respectively for which they may be nominated, shall be repealed. Provision for vacancies and resignations of managers under the Metropolitan Poor Act.

11. . . . All the expenses and charges which, according to the provisions of the Poor Law Amendment Act, 1844, would be chargeable upon the common fund of any district formed or to be formed under that Act or under this Act, shall be borne by the several unions or parishes comprised in the district according to the annual rateable value of the property therein comprised, to be determined according to the valuation lists in force in such unions, and according to the latest poor rate for the time being for the parishes not in union, or, so far as respects any district wholly or partially within the metropolis, as defined by the Metropolis Poor Act, 1867, on such other basis as the Poor Law Board* shall from time to time direct. New basis for the contributions in school and other districts.
[*Part omitted (repeal of the School Districts Act 1850 in respect of any debts, charges, or liabilities to be incurred after 29th September 1868) rep. 56 Vict. c. 14 (S.L.R.).*]

35. . . . The term "promoters of the undertaking" in section fifty-two of the last-mentioned Act † shall be deemed to have included managers and guardians desirous of purchasing lands for any of the purposes of the Poor Law Acts as therein defined. Explanation of 30 & 31 Vict. c. 6, s. 52.
[*Part omitted (as to extension of time for the repayment of loans) rep. 60 & 61 Vict. c. 29, s. 3.*]

[*The parts of the Act omitted are not special to London.*]

CHAPTER VII.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO MAKE IMPROVEMENTS IN THE PARISH OF SAINT MARYLEBONE IN THE COUNTY OF MIDDLESEX BY FORMING A NEW STREET IN LIEU OF STINGO LANE FROM THE MARYLEBONE ROAD TO UPPER YORK STREET. [29th May 1868.]

[*Preamble recites 18 & 19 Vict. c. 120, s. 144, and that the Metropolitan Board of Works (in this Act called "the Board")*

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

† *I.e.* 30 & 31 Vict. c. 6.

have deposited with the Clerk of the Peace for Middlesex a plan of the proposed new street.]

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "*Marylebone (Stingo Lane) Improvement Act, 1868.*"

2. [*Incorporation of Lands Clauses Acts. Spent.*]

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The word "streets" shall include squares, streets, courts, or alleys, highways, roads, thoroughfares, or public passages or places :

The expression "the Board" shall mean the Metropolitan Board of Works :

[*Parts omitted (definitions of "Justice," "two Justices," "Marylebone Vestry," and "lessee," and as to meanings of words in Acts incorporated) spent.*]

4--6. [*Board to execute Act—Power to act by committee—Persons interested not eligible for committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix); and 51 & 52 Vict. c. 41, ss. 40 and 75; and now spent.*]

Power to make new street.

7. It shall be lawful for the Board to make the new street following; that is to say,

A new street commencing in the Marylebone Road at or near the point where Stingo Lane unites with that road, and terminating at or in Upper York Street at or near the place where Stingo Lane unites with Upper York Street.

8--12. [*Streets and other works and improvements authorized by the Act to be made according to deposited plans—Power to deviate—Power to lay out footways, etc.—Power to the Board to alter and stop up streets as shown on the deposited plans and resting of soil thereof in the Board for the purposes of the Act—Power to stop up ways during execution of the Act and to raise or lower streets. Spent.*]

13. [*Incorporation of ss. 13—16 and 22—29 of 29 & 30 Vict. c. cl. Spent. See notes on these sections which apply here.*]

14--18. [*Errors and omissions in plans—Power to the Board to sell materials and to survey land to be taken and to treat for lands—Power for compulsory purchase limited to 3 years. Spent.*]

19. [*Borrowing powers. Rep. in part 32 & 33 Vict. c. 102, s. 50; remr. spent.*]

20--26. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

27. [*Separate accounts. Spent; and see 51 & 52 Vict. c. 41, s. 71.*]

28. [*Application of monies borrowed. Spent.*]

29. [*Application of monies arising from sales. Rep. 32 & 33 Vict. c. 102, s. 50.*]

30--31. [*Marylebone Vestry to contribute to the extent of half cost of the improvements. Spent.*]

32. [*As to taking houses of labouring class persons. Spent.*]

33. [*Powers of Metropolis Management Acts extended to this Act. Spent.*]

CHAPTER CXI.

AN ACT FOR ALTERING THE STREETS IN COMMUNICATION WITH THE EMBANKMENT ON THE NORTH SIDE OF THE THAMES, FOR GIVING EFFECT TO AN ARRANGEMENT WITH THE SOUTH-EASTERN RAILWAY COMPANY WITH RESPECT TO THE PIER AT HUNGERFORD, AND TO AN ARRANGEMENT WITH THE METROPOLITAN DISTRICT RAILWAY COMPANY, AND FOR AMENDING SOME OF THE PROVISIONS OF THE ACTS RELATING TO THE EMBANKMENT ON THE SOUTH SIDE OF THE THAMES; AND FOR OTHER PURPOSES.

[13th July 1868.]

[Preamble recites (inter alia) 25 & 26 Vict. c. 93 (in this Act referred to as the Embankment Act of 1862), and that by that Act the Metropolitan Board of Works (in this Act referred to as the Board) were authorized to make (inter alia) certain streets more particularly described in paragraphs 4, 5 and 6 of s. 8 thereof, and that it would be of great public advantage if the streets described in the said paragraphs were altered and portions thereof abandoned and if streets partly in substitution for the streets so abandoned and partly new were made as follows:]*

A new street or road (No. 1.) wholly in the parish of Saint Martin-in-the-Fields, commencing at the eastern end of Whitehall Place, and terminating in the embankment roadway authorized by the Embankment Act of 1862 at or near to Charing Cross Railway Bridge, and on the south-western side thereof:

A new or substituted street or road (No. 2.) wholly in the parish of Saint Martin-in-the-Fields, commencing from and out of Villiers Street at the south-eastern end thereof, and terminating at or near its point of intersection by the new street or road No. 3.:

A new street or road (No. 3.) wholly in the parish of Saint Martin-in-the-Fields, commencing from and out of the intended street (No. 1.) at or near and on the south-western side of the Charing Cross Railway Bridge, nearly opposite to the disused wharf leading from Great Scotland Yard called Perey Wharf, passing through the opening under and adjacent to the Middlesex abutment of the said bridge, and terminating in the intended new street (No. 2.) at or near the south-eastern end of Villiers Street:

A new street or road (No. 4.) in the parishes of Saint Martin-in-the-Fields, Saint Clement Danes, and Saint John the Baptist, Savoy, or the precinct of Savoy, or any of them, commencing in the parish of Saint Martin-in-the-Fields by a junction with the new street No. 3. at its eastern termination, and also with the new street No. 2., and terminating in the parish of Saint John the Baptist, Savoy, or the precinct of Savoy, nearly opposite to the centre of the western front of Somerset House: and recites that it is expedient to repeal certain provisions of the Embankment Act of 1862, and recites that with reference to the steamboat pier and landing place at Hungerford, formerly belonging to the Charing Cross Railway Company, but under the Charing Cross Railway Acts 1863 and 1864 rested in the South-eastern Railway Company, an arrangement (in this Act called the South-eastern arrangement) has been made between the South-eastern

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Railway Company and the Board that the Board shall provide a floating landing stage and other works at an agreed point, and that the same shall be vested in the Company in substitution for their present landing stage and works, and that the powers of the Company shall be transferred to the new landing stage and works; and recites that by s. 8 of 26 & 27 Vict. c. 75 provision is made for the maintenance by the Board of certain draw docks and works at Broad Street and Ferry Street, Lambeth, and that an arrangement has been made between the vestry of St. Mary, Lambeth, and the Board that the formation of the Ferry Street draw dock shall be dispensed with, and that the Board shall construct an iron landing pier at or near the end of Church Street in accordance with a design to be prepared by the chief engineer of the Board, and approved by the Board and the vestry and by the Conservators of the River Thames (if such approval is required), and that the Board shall form a double 10 feet way under the embankment roadway at or near to White Hart Dock with a headway increased to 8 feet in substitution for that dock as heretofore existing.]

Short title.

1. This Act may be cited as "The Thames Embankment (North and South) Act, 1868."

2. [*Incorporation of Lands Clauses Consolidation Acts. Spent.*]

Interpretation of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act, the following provisions shall have effect; namely,

In this Act the term "the works" means the new streets, roads, and approaches, and widenings, alterations, and improvements of existing streets, roads, approaches, quays, thoroughfares, courts, alleys, passages, and places authorized by this Act :

In this Act the term "street" includes any square, street, highway, road, lane, mews, footway, thoroughfare, or public place, court, alley, or passage, whether a thoroughfare or not, and a part of any such square, street, highway, road, lane, mews, footway, thoroughfare, or public place, court, alley, or passage.

[*Parts omitted (definitions of "Court of competent jurisdiction," "superior Courts," and "sheriff," and as to meanings of words in Acts incorporated) spent.*]

Abandonment of authorized streets.

4. The Board shall abandon the making of so much of the new streets authorized by the Embankment Act of 1862, and described in paragraphs four, five, and six of section eight of that Act (recited in this Act), as do not form part of the new streets shown on the amended deposited plans signed by Basil Thomas Woodd esquire, and shown and coloured thereon by red lines and colours, and numbered 1, 2, 3, and 4.

5. [*As to compensation to persons interested in lands purchased for the purposes of the portions of the streets authorized to be abandoned by this Act, for all injury sustained by them by reason of the purchase not being completed. Spent.*]

Power to make works and take lands.

6. Subject to the provisions of this Act and of the Acts incorporated with this Act, the Board may make, execute, and maintain in the lines and situations and according to the levels described on the amended deposited plans and sections the streets herein-before

described shown on the amended deposited plans, and marked and coloured as streets No. 1, 2, 3, and 4, with such roadways, footways, pavements, sewers, drains, works, and conveniences as the Board think necessary or proper, and may enter on, take, hold, and use all or such of the lands described in the said deposited plans and book of reference as they require for that purpose.

7—11. [*Time for compulsory purchase of lands limited to 3 years—Errors and omissions in deposited plans and books of reference—Saving the rights of the Duke of Northumberland—Power to deviate—Interference with works of the Charing Cross Railway. Spent.*]

12. There shall be incorporated with this Act sections 32 to 36, both inclusive, of the Embankment Act of 1862 relating to leases and sales by the Board, and to the application of money arising therefrom, and to matters connected therewith respectively, and (subject to the provisions of this Act) the works shall be deemed to be further works within the meaning of section 10 of the Embankment Act of 1862. [*See also 62 & 63 Vict. c. cexxxvii. ss. 19—23, superseding ss. 32—34 and semble ss. 35 and 36, incorporated.*]

New streets to be part of Thames Embankment works.

13. [*Powers to make connecting works and stop up and appropriate certain streets within limits of deviation. Spent.*]

14. The Board may make under the intended new streets an arched passage or covered way (herein-after called the subway) for such purposes as they think fit, with all communications, works, and things necessary or proper for the convenient use thereof, and the same subway, communications, works, and things shall be deemed part of the works authorized by this Act, and the same shall (notwithstanding anything in this Act) belong to and be vested in the Board, and shall be maintained and repaired by the Board; and the Board may permit the use of the subway for the purpose of the laying down of gas or water pipes or telegraph wires, or for any other like works or purpose, on such terms and conditions and for such period as the Board and any company or person agree; and the Board may sell, convey, or demise any right to any company or person for any of the purposes aforesaid, and may make such stipulations for preventing injury to the adjoining property and for the security of the public as the Board think proper, and may agree to refer to arbitration any matter in difference under this section. [*See also 56 & 57 Vict. c. ccii.*]

Power to make subways.

15. [*As to taking houses of labouring class persons. Spent.*]

16. So soon as the landing stage to be constructed by the Board under the South-eastern arrangement has been constructed and placed as provided by the arrangement, and the present landing stage has been removed, the South-eastern Railway Company shall have and may exercise and enjoy the same rights, powers, and authorities of taking tolls and dues, and all other rights, advantages, powers, privileges, authorities, and easements whatsoever, and shall be subject to the same duties and obligations affecting the public in respect of the landing stage to be provided as aforesaid, as they now have, exercise, and enjoy and are subject to as regards the present landing stage; and any mortgage, lease, or other dealing by the Company in respect of the tolls authorized to be taken at their present landing stage shall apply to the tolls to be taken at the intended landing stage to be substituted as if such last-mentioned

Powers of Company in respect of substituted landing stage.

tolls were the tolls authorized to be taken at the present landing stage. [See 4 *Educ.* 7, c. cciii. s. 39.]

Section 8 of Act of 1863 repealed.

17. Section eight of the Thames Embankment Act, 1863, relating to the draw docks at Ferry Street and Broad Street, is by this Act repealed, but the Board shall carry into effect and fulfil the conditions of the arrangement before recited between the Board and the Vestry of Lambeth.

18. [*Borrowing powers.* *Rep. in part* 32 & 33 *Vict. c.* 102, s. 50. *Remr. superseded by the London County Council (Money) Acts* 1875—1904.]

19—22. [*Financial provisions.* *Rep.* 32 & 33 *Vict. c.* 102, s. 50.]

Reclaimed land to be dedicated to the use of the public.

23. All the land reclaimed or to be reclaimed from the River Thames on the south of the streets thirdly and fourthly hereinbefore described, and not required for streets or roads, nor otherwise specifically appropriated by the provisions of this Act, or required for such stations, ventilators, or works of the Metropolitan District Railway as the Company are not by the Metropolitan District Railway Act, 1864, precluded from constructing, and lying between an imaginary line drawn from the eastern boundary of the houses on the east side of Cecil Street to the embankment roadway on the east, and the Crown lands on the west, and the embankment roadway on the south, and all the lands reclaimed from the Thames between the Adelphi estate and the new street fourthly described, together with the lands to be reclaimed between the southern side of the approach road shown on the plan marked C., referred to in the Embankment Act of 1862, leading towards Norfolk Street, Surrey Street, and Arundel Street, shall for ever hereafter be vested in and maintained by the Board for the use of the public as places of recreation or ornamental grounds, and the expenses incident to such maintenance shall be deemed to be expenses of the Board in the execution of the Act 18 and 19 Victoria, chapter 120, and all the parts of the metropolis shall be deemed to be equally benefited by all the sums so expended by the Board. [*See also* 33 & 34 *Vict. c.* xcii. s. 5.]

Section 53 of the Act of 1862 to be read as applying to street No. 1 under this Act.

24. Section 53 of the Act of 1862 shall be read and have effect as if the new street (No. 1.) by this Act authorized to be made in continuation of Whitehall Place had in that section been substituted for the street in continuation of Whitehall Place and the street in continuation of Northumberland Street in such section referred to.

Repeal of parts of Act of 1862.

25. The following provisions of the Embankment Act of 1862 are hereby repealed: namely,

Section 26, relating to dedication of reclaimed land for public use:

Section 55, relating to the Charing Cross Railway Bridge:

Section 61, relating to the Adelphi Estate:

Section 82, relating to the precinct of the Savoy and lands of the duchy of Lancaster.

26. [*As to foot communication from Adam Street to the new street or road No. 4.* *Rep.* 33 & 34 *Vict. c.* xcii. s. 4.]

For the protection of the Charing Cross Railway.

27. The following provisions shall be in force for the protection of the Charing Cross Bridge and Railway and other works and property of the South-eastern Railway Company, and the same shall be observed and fulfilled by the Board accordingly, unless otherwise mutually agreed in writing by the Board and the Company under their respective common seals; (that is to say.)

1. The Board shall not interfere with, purchase, or take any lands, property, or works belonging to the South-eastern Railway Company without their consent in writing, except such land as shall be required for the actual construction of the streets shown on the said amended deposited plans and sections :
2. No building, shed, or other structure shall be erected under the Charing Cross Bridge, or within a distance of fifty feet from the Charing Cross Station, or the land under the said bridge :
3. The Middlesex abutment of the said bridge shall form the northern boundary of the proposed street No. 3 shown on the said deposited plans, and the lands and property of the South-eastern Railway Company shall form the western boundary of the proposed street No. 2. from the point D. to the point G. shown on the amended deposited plans, to the intent that the South-eastern Railway Company may have free access to such streets from their property, and the South-eastern Railway Company shall be entitled to such access accordingly :
4. The South-eastern Railway Company shall be entitled, in respect of any land and property purchased from them by the Board, to the right of pre-emption which is conferred upon owners of land in certain cases by the Lands Clauses Consolidation Act, 1845, notwithstanding such land and property so purchased are situate within a town, or are lands built upon or used for building purposes.

28. [*S. 54 of the Embankment Act of 1862 extended to this Act. Rep. 36 & 37 Vict. c. c. s. 27.*]

29. [*Saving for lands of the Marquis of Salisbury. Spent.*]

30. [*Certain lands to be sold to the Marquis of Salisbury. Rep. 33 & 34 Vict. c. xcii. s. 4.*]

31. The Act of the eleventh year of the reign of King George the Third, chapter 34, is hereby repealed, so far as the same relates to any land reclaimed under or by virtue of the powers contained in the same Act, and now the property of the Marquis of Salisbury, and the said Marquis, his sequels in right, heirs and assigns, may build on any such lands at his and their will and pleasure, and, notwithstanding anything in the Embankment Act of 1862 or in this Act contained, may also in like manner build on any land which he or they may purchase or acquire from the Board under the same Acts, or either of them.

Repeal of part of 11 Geo. 3. c. 34.

32. [*For the protection of lands of the Thames Plate Glass Company. Spent.*]

33. [*Incorporation of s. 81 of the Embankment Act of 1862. Spent.*]

34—36. [*As to construction of street No. 4 through the precinct of the Savoy and the removal of graves at Lutheran Chapel. Rep. 33 & 34 Vict. c. xcii. s. 4.*]

37. Whereas the Metropolitan District Railway Company have entered into an agreement with the Board in reference to the construction of the said railway in connexion with the Thames Embankment, a copy of which agreement is contained in the Schedule (A.) to this Act, and it is expedient that such agreement should be ratified and confirmed by Parliament : Now, therefore, be it enacted, That the said agreement shall be and the same is hereby

Confirming agreement with Metropolitan District Railway Company.

ratified and confirmed, anything in the Thames Embankment Act of 1862 and the Metropolitan District Railways Act, 1864, to the contrary thereof in anywise notwithstanding: Provided that nothing in this Act contained shall, nor shall the ratification and confirmation of the agreement in the schedule to this Act contained, in any way affect the rights, privileges, and powers of the City of London Gaslight and Coke Company* as they existed before the passing of this Act.

38. [*Saving the rights of the Crown.*]

39—40. [*Saving the rights of the Commissioners of Works and the Thames Conservators.*]

41. [*Expenses of obtaining Act. Spent.*]

SCHEDULE (A).

Containing AGREEMENT between the Metropolitan Board of Works and the Metropolitan District Railway Company confirmed by the foregoing Act.

AGREEMENT made and entered into this fifteenth day of May one thousand eight hundred and sixty-eight between the Metropolitan Board of Works (herein-after called the Board) of the one part, and the Metropolitan District Railway Company (herein-after called the Company) of the other part.

Whereas by the Thames Embankment Act, 1862, for constructing the embankment on the north side of the said river between Westminster Bridge and Blackfriars Bridge, it was enacted, section 83, that the viaduct in front of the works and premises of the City of London Gaslight and Coke Company shall be carried upon two arches of such dimensions as therein specified, and by section 84 that there should be one arch under the said viaduct in front of the said Whitefriars Dock of a span and dimensions therein specified, and it was intended that the said embankment should from the eastern end of Temple Gardens to the Whitefriars Dock be constructed on a viaduct, with a roadway of seventy feet in width: And whereas by the Metropolitan District Railways Act, 1864, under which the said Metropolitan District Railway Company was incorporated, for the purpose of constructing a railway from Kensington in the county of Middlesex to Trinity Square in the city of London, which railway was intended to run along the said embankment, it was enacted, section 42, that the embankment and road mentioned in the Thames Embankment Act, 1862, to be formed opposite to the City of London Gaslight and Coke Company and Whitefriars Dock, shall be so constructed as shall best suit the formation of the railway and works hereby authorized, and the said embankment and roadway and the convenience of the said gasworks and docks, and as shall be agreed upon between the engineers for the time being of the said Board and of the Railway Company, anything in the same Act contained notwithstanding, subject nevertheless to such arbitration as is herein-after provided for in case of difference between the engineers: provided that the Board may construct the roadway of the width of one hundred feet, and in that case the referee herein-after named for the settlement of questions of compensation arising

* Amalgamated with the Gaslight & Coke Company by an Order in Council made in 1870 under 31 & 32 Vict. c. 125, ss. 18—24.

between the Company and the Metropolitan Board of Works shall assess the amount which in his judgment ought to be allowed to the Company in respect of the expense of acquiring the additional width of thirty feet for the purpose of such roadway : provided also, that the inner wall of the said roadway shall not extend more than sixty-eight feet from the centre line of the said roadway as shown on the deposited plans referred to in the Thames Embankment Act, 1862, and certain sections of such Act, including sections 39, 40, 41, 43, 52, 61, contained provisions in reference to or affecting compensation to be paid to owners, lessees, and occupiers : And whereas it has been agreed between the engineers of the said Board and of the Railway Company that it will best suit the formation of the railway and the works connected therewith, and also of the said embankment and roadway authorized by the Thames Embankment Act, 1862, and the convenience of the said gasworks and dock, that the embankment and road to be formed from the eastern end of the Temple lands to the west side of Bridewell Wharf, including the space opposite the said Gaslight and Coke Company and the Whitefriars Dock, be constructed as a solid embankment, with a roadway of the width of one hundred feet : And whereas it has been agreed between the said Board and the Company as follows ; (that is to say,) Now this indenture witnesseth, and each of the said parties hereto doth hereby covenant with the other of them, as follows :

1. That the said embankment and road shall be constructed from the eastern end of the Temple lands to the west side of Bridewell Wharf, including the space opposite the London Gaslight and Coke Company and the Whitefriars Dock, as a solid embankment, and that the Board shall construct the roadway of the width of one hundred feet thereon.

2. That the said Company shall construct their railway within such solid embankment, and shall proceed with and complete such railway without delay when and so soon as the state of progress of the Board's works will allow, so that the works of the Company and of the Board may be completed by the fifteenth July one thousand eight hundred and sixty-nine.

3. That the Company shall take all such steps as may be necessary to bring the various provisions and power of the said Acts of 1862 and 1864 into full operation, and the Board shall concur in the taking of such steps when it shall be necessary for the Board so to do, and the land reclaimed by the embankment shall be used in such manner as will diminish the compensations claimable by any parties.

4. That Lord Stanley, or some other party to be nominated by one of the Judges of the superior Courts in manner referred to by the 61st section of the Act of 1864, shall ascertain and determine in what proportions the compensations payable consequent upon the said embankment being constructed as a solid embankment shall be paid by the Board and Company respectively : and in defining and settling such proportions due regard shall be had by the arbitrator to the saving which will accrue to the Company and the Board respectively by the adoption of a solid embankment and the construction of the railway within such solid embankment, instead of the construction of the embankment roadway on arches as contemplated by section 83 of the said Act of 1862, and the construction of the railway independently of the embankment.

5. That in order to form a fund for the discharge of the compensations aforesaid an account shall be opened at the London and Westminster Bank in the name of the Earl of Devon and Sir John Thwaites : that the Railway Company shall forthwith pay to such account the sum of forty thousand pounds, and the Board shall also pay to the same account from time to time such sum as shall be necessary, and, when the arbitrator shall have settled the proportions in which the compensation shall be paid as between the Board and the Company, the Board and the Company respectively shall pay from time to time, as compensation becomes payable, any further sums which may have become necessary beyond their previous payments to meet their respective proportions thereof to the said account, to be applied in discharge of the same.

6. That the payments agreed to be made in article 5 are not in any way to affect or prejudice the Board or the Company as regards the comparative liability of the Company or the Board as between themselves respectively.

7. That with regard to the payment of the sum of two hundred thousand pounds mentioned in section 61 of the said Act of 1864 the Company shall pay to the Board fifty thousand pounds, part thereof, on the first day of July one thousand eight hundred and sixty-nine, and the further sum of seventy-five thousand pounds on the first day of July one thousand eight hundred and seventy, and the further sum of seventy-five thousand pounds on the first day of July one thousand eight hundred and seventy-one, and that interest on such sum of two hundred thousand pounds, at five pounds per centum per annum, shall be paid by the Company to the Board as from the first day of July one thousand eight hundred and sixty-eight half-yearly; the first payment of interest to be made on the first day of January one thousand eight hundred and sixty-nine, until the whole be paid; and as regards any further sum which may be due or awarded under the same 61st section to the Board, it shall be payable by three equal annual instalments bearing interest at the same rate from the date at which the Company shall take possession of the land for stations in respect of which it may become payable, the first instalment being payable at the end of one year from the Company so taking possession.

8. That the Company shall, not later than the first day of July one thousand eight hundred and sixty-eight, commence the construction of their railway and works from Westminster Bridge to the Temple, and will thenceforward continually proceed with the construction of such portion of their railway and works with all reasonable despatch, and as regards so much of the railway and works as are to be constructed under so much of the embankment as is not yet formed the Company shall, after such embankment shall be in a state to allow of the same, construct the same simultaneously with the construction of that portion of the embankment, so that those portions of the railway and works and embankment may be completed contemporaneously; and in case of the Company not proceeding with the construction of the mentioned portion of the railway and works simultaneously with the construction by the Board of the embankment, the Board may proceed with the construction of the embankment as they might have done under the 63rd section of the said Act of 1864 had this agreement not been entered into.

9. That in case of any difference between the engineer of the Board and the engineer of the Company with respect to the mode

of construction of the railway and works in connexion with the said embankment, such difference shall from time to time be referred under the 62nd section of the said Act of 1864.

In witness whereof the Board and the Company have respectively caused their common seals to be hereunto affixed, the day and year first above written.

Sealed by order,

JOHN POLLARD,
Clerk to the Board.

Seal of the
Metropolitan
Board of
Works.

Seal of the
Metropolitan
District Railway
Company.

CHAPTER CXXV.

* AN ACT TO AMEND THE METROPOLIS GAS ACT, 1860, AND TO MAKE FURTHER PROVISION FOR REGULATING THE SUPPLY OF GAS TO THE CITY OF LONDON; AND FOR OTHER PURPOSES CONNECTED THEREWITH. [13th July 1868.]

[*Preamble recites (inter alia) that the city of London is now supplied with gas by the Gaslight & Coke Company, the City of London Gaslight & Coke Company, and the Great Central Gas Consumers Company, and that it is expedient that the Metropolis Gas Act 1860 (in this Act referred to as the Act of 1860) so far as it relates to the city of London be amended.*]

Preliminary.

1. This Act may be cited as The City of London Gas Act, 1868.

2. In this Act—

The term “the city” means the city of London and the liberties short title thereof;

The term “the Commissioners of Sewers” means the Commissioners of Sewers of the city; †

The term “Corporation” means the mayor and commonalty and citizens of the city of London, and any powers given to them may be exercised by the mayor, aldermen, and commons in Common Council assembled;

The terms “Companies” and “Company” mean the Gas Light and Coke Company, the City of London Gas Light and Coke Company, and the Great Central Gas Consumers Company, and each of them; ‡

The term “undertaking” includes all property and rights;

The term “half year” means a half year reckoned from the first day of January and first day of July in each year;

* The provisions of this Act were extended to the Gaslight & Coke Company's undertaking without, as well as within, the city by s. 109 of that Company's Act of 1868.

† Now the mayor, commonalty, and citizens of the city of London. See the City of London Sewers Act 1897.

‡ See footnotes to the preamble of 23 & 24 Vict. c. 125 (page 281).

Interpreta-
tion of terms.

The term "quarter" means a quarter of a year reckoned from the first day of January, first day of April, first day of July, and first day of October in each year :

The term "day" means (except in this section) twenty-four hours reckoned from nine o'clock in the forenoon of one day to nine o'clock in the forenoon of the next following day, so much of each day as is before nine o'clock in the forenoon being reckoned as part of the immediately preceding day of the month or week ;

The term "candles" means such candles as are described in section 25 of the Act of 1860 :

and this Act shall be read as one with the Act of 1860.

Certain sections of 23 & 24 Vict. c. 125, as in schedule to this Act, repealed.

3. Such parts of the Act of 1860 as are described in the first schedule to this Act, and any part of any special Act of any Company inconsistent with this Act, so far only as they respectively relate to the Companies and the city, are hereby repealed as from the thirtieth day of September one thousand eight hundred and sixty-eight, and the Act of 1860 so amended shall, as to all the Companies mentioned in the preamble of the said Act, be read throughout as if the Board of Trade had been inserted therein instead of Her Majesty's principal Secretary of State for the Home Department.

4—17. [*Provisions as to purchase (by agreement) by the Corporation within 3 years of any undertakings so far as supplying the city. Spent (purchase not carried out).*]

18—23. [*Provisions as to effecting amalgamation of Companies supplying in the city by Schemes approved by the Board of Trade and confirmed by Orders in Council. Spent. See note on preamble of 23 & 24 Vict. c. 125, p. 284.*]

Sale of copies.

24. Each amalgamated Company shall at all times keep at their principal office printed copies of the scheme relating to the Company, with the confirming Order in Council, and shall sell copies to all persons desiring to buy the same, at a reasonable rate, not exceeding sixpence for each copy. If any Company fail to comply with this provision they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which such failure continues after the first penalty is incurred.

25—28. [*Provisions as to dividends. Rep. by the Gaslight & Coke Company's Act 1876, s. 8.*]

Gas Referees.

Appointment of referees.

29. The Board of Trade shall as soon as may be after the passing of this Act appoint three competent and impartial persons, one at least of them having practical knowledge and experience in the manufacture and supply of gas, who shall be called the gas referees (and who are in this Act referred to as the gas referees), and in case of a vacancy happening among them by death, resignation, or otherwise shall appoint a competent and impartial person to fill the vacancy, one at least of the three being always qualified as aforesaid.

Continuance of referees.

30. Every person appointed to be one of the gas referees shall continue in office for one year only from the date of his appointment, but shall be capable of reappointment.

Quorum, etc. of referees.

31. Two of the gas referees shall be a quorum, and at least two of the referees shall concur in every act or determination of the referees.

32. A copy of each certificate of the gas referees required by this Act shall be sent by them to the Corporation, and to each of the Companies. Certificates of referees.

33—84. [*As to testing for illuminating power and purity. Rep. by the Gaslight & Coke Company's Act 1876, s. 8.*]

85. A Company supplying gas to public lamps, or the Commissioners of Sewers,* may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the Commissioners of Sewers* or the Company (as the case requires) shall be entitled to have access thereto for the purpose of examining the same; and in case any dispute arises between the Company and the Commissioners of Sewers* with reference to the affixing, operation, or inspection of governors, the same shall be referred to the determination of the chief gas examiner, whose decision shall be final and conclusive. Governors for street lamps.

86. A Company shall not charge a higher price per one thousand cubic feet for gas supplied to the Commissioners of Sewers* than the lowest price per one thousand cubic feet charged by them at the same time to any private customer, but if the Company contend, as against the Commissioners of Sewers,* that there are special circumstances justifying them in charging a lower price to any other customer, the question shall be determined by arbitration whether or not such lower price shall be taken as the standard for the price to be charged to the Commissioners of Sewers,* and the price fixed by such arbitration shall continue for two years at least.† Limit of charge for gas supplied to public lamps.

87. Section thirty-eight of the Act of 1860 shall be read as if the Lands Clauses Consolidation Act, 1845, were therein mentioned instead of the Companies Clauses Consolidation Act, 1845. Settlement of differences by arbitration.

88. Each Company shall, within six months of the passing of this Act, make a map of the district within which their mains or pipes may be laid to a scale of not less than five feet to a mile, and shall show thereupon the lines, sizes, and depth beneath the surface of all their existing mains or pipes, excepting the service pipes to separate houses, and the positions of all valves, syphons, and other appliances, and shall once in every year, on or before the thirty-first day of December, correct such map and make such alterations in or additions thereto as may be necessary to show correctly, as near as may be, the lines, positions, sizes, and depths of the various pipes, and also their appliances, and shall keep such map in the principal office of the Company, and the same shall be open to the inspection of the Commissioners of Sewers* and their officers, and to the public generally, who may inspect or take copies of or extracts of the same; and the Company may charge and take the sum of one shilling for each inspection of such map, and the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map. Company to make a map of mains and appliances beneath the public ways.

* Now the mayor, commonalty, and citizens of London. See the City of London Sewers Act 1897.

† S. 39 of the Scheme for the amalgamation of the London Gaslight Company with the Gaslight & Coke Company (1883) contains the following proviso: "Provided also that the United Company shall not charge in the districts of the London Company south of the River Thames, a higher price per 1000 cubic feet of sixteen candle gas, either for public or private lighting, than the price for the time being charged by the South Metropolitan Gas Company for gas of the same illuminating power, and section 86 of the City of London Gas Act, 1868, shall apply as against the United Company to the whole of the public lamps supplied with gas of similar quality, but not to private consumers, within their districts north of the Thames."

Penalty on
Company for
default.

89. If the Company fail to comply with any requirements of this Act in respect of such map they shall for every such offence forfeit and pay any sum which two Justices of the Peace may adjudge, not exceeding the sum of fifty pounds.

Deposit in
case of
dispute.

90. Where a dispute arises between a Company and one of their customers respecting any payment to be made to the Company, if the customer deposits with the Company, by way of security, the amount claimed by them, it shall not be lawful for the Company to discontinue a supply of gas to the customer by reason of the dispute; but nothing herein shall authorize a Company, where such deposit is not made, to discontinue a supply of gas to the customer in any case in which they would not have been authorized to do so if this Act had not been passed.

91—92. [*As to expenses of executing Act. Rep. by the Gas-light & Coke Company's Act 1876, s. 8.*]

93. [*Expenses of obtaining Act. Spent.*]

The SCHEDULE to which the foregoing Act refers.

Parts of Metropolis Gas Act, 1860, so far as they relate to the city, repealed.

Section two, as far as it incorporates the provisions of the Gasworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers from the gasworks carried on for their benefit, or imposes any restriction on a Company in respect of the rate of dividend.

Sections seven to twelve, both inclusive.

Sections twenty-five to thirty-four, both inclusive.

Section thirty-seven.

Sections forty and forty-one.

CHAPTER CXXXV.

* AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO EMBANK THE RIVER THAMES BETWEEN THE ROYAL HOSPITAL AT CHELSEA AND BATTERSEA BRIDGE IN THE COUNTY OF MIDDLESEX, AND TO MAKE A ROADWAY AND OTHER WORKS CONNECTED THEREWITH; AND FOR OTHER PURPOSES.

[13th July 1868.]

[*Preamble recites that the making by the Metropolitan Board of Works (in this Act referred to as the Board†) of an embankment on the Middlesex bank of the River Thames, commencing in the parishes of St. Mary Abbott Kensington and St. Luke Chelsea, or one of them, at or near the embankment in front of the public gardens of the Royal Hospital at Chelsea, and terminating at Battersea Bridge, and that the formation of a roadway upon the said embankment will be of great public utility; and recites 24 & 25 Vict. c. 42‡; 25 & 26 Vict. c. 93; 26 & 27 Vict. cc. 45 and 75; 27 & 28 Vict. c. 113§; 31 & 32 Vict. cc. 17,|| 43,¶ and cxi.; and the deposit of plans with the Clerk of the Peace for Middlesex.*]

* See 39 & 40 Vict. c. lxxix. s. 34.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

‡ Rep. 55 & 56 Vict. c. 19 (S.L.R.).

§ Rep. by the Thames Conservancy Act 1894 (see Appendix).

|| Rep. 56 Vict. c. 14 (S.L.R.).

¶ Rep. 32 & 33 Vict. c. 102, s. 50.

1. This Act may be cited as "The Thames Embankment (Chelsea) Short title. Act, 1868."

2. [*Incorporation of Lands Clauses Acts. Spent.*]

3. With respect to the interpretation of terms in and for the purposes of this Act the following provisions shall have effect; Interpretation of terms. namely,

In this Act the term "the works" means the embankment, river wall, roadway, approaches, alterations in streets, and other works authorized by this Act :

In this Act the term "street" includes any square, street, highway, road, lane, mews, footway, thoroughfare, or public place, court, alley, or passage, whether a thoroughfare or not, and a part of any such square, street, highway, road, lane, mews, footway, thoroughfare, or public place, court, alley, or passage.

[*Part omitted (definitions of "Court of competent jurisdiction" and "superior Courts," and as to meanings of words in Acts incorporated) spent.*]

4. [*Power to make works and take lands according to deposited plans. Spent.*]

5. There shall be incorporated with this Act sections . . . forty-eight, forty-nine, and fifty of the Thames Embankment Act, 1862, (relating to . . . damage to embankment by means of vessels, and as to penalties and application thereof,) and for this purpose the term "this Act" and terms of reference thereto used in any of the sections last enumerated shall be taken to mean or refer to the present Act. [*Part omitted (incorporation of ss. 23, 24, and 40 of 1862 Act, as to taking of parts of lands, correction of errors, and costs of arbitrations) spent.*]

Sections 23, 24, 40, 48, 49, and 50. of 25 & 26 Vict. c. 93. incorporated.

6—12. [*Power to the Board to purchase easements—Time for compulsory purchase of lands limited to 5 years—For the protection of Earl Cadogan—As to taking trees opposite Cheyne Walk—For the protection of Mr. Sloane Stanley. Spent.*]

13. [*Power to interfere with Battersea Bridge and Albert Bridge. Spent; and see 40 & 41 Vict. c. xcix.*]

14—15. [*Powers to make subsidiary and connecting works, to stop up and appropriate streets, etc., shown on deposited plans. Spent.*]

16. The Board may make under the intended roadway an arched passage or covered way (herein-after called the subway) for such purposes as they think fit, with all communications, works, and things necessary or proper for the convenient use thereof, and the same subway, communications, works, and things shall be deemed part of the works authorized by this Act, and the same shall (notwithstanding anything in this Act) belong to and be vested in the Board, and shall be maintained and repaired by the Board, and the Board may permit the use of the subway for the purpose of the laying down of gas or water pipes or telegraph wires, or for any other like works or purpose, on such terms and conditions and for such period as the Board and any company or person agree; and the Board may sell, convey, or demise any right to any company or person for any of the purposes aforesaid, and may make such stipulations for preventing injury to the adjoining property and for the security of the public as the Board think proper, and may

Power to make subways.

agree to refer to arbitration any matter in difference under this section. [See also 56 & 57 Vict. c. ccii.]

17—20. [*As to taking houses of labouring class persons—Deviation—As to taking soil from the Thames for making the embankment—As to deepening the bed of the river and recelling holes caused thereby. Spent.*]

Sections 19,
20, 21, and
22, of 25 & 26
Vict. c. 93.
incorporated.

21. There shall be incorporated with this Act sections . . . twenty-one and twenty-two of the Thames Embankment Act of 1862 (relating to . . . the substitution of piers and other conveniences, and to the maintenance and repair of the embankment, and to matters connected therewith respectively), and for this purpose the respective terms “this Act” and “the said embankment,” and terms of reference thereto respectively used in any of the sections last enumerated, shall be taken to mean or refer to the present Act and the works by the present Act authorized. [*Part omitted (incorporation of ss. 19 and 20 of the 1862 Act, as to approval of plans by the Conservators, and the exhibition of lights during construction of works) spent.*]

22—26. [*Approval of works by the Board of Trade—Alteration of water, gas, and other pipes—Power to lay out carriageways and footways. Spent.*]

27. [*Ground laid into roadway to form part of public street, and the roadway to be under the same management of the vestries,* district boards,* commissioners, or persons, as other streets in the parishes, districts, or places in which the same is situate. See 39 & 40 Vict. c. lxxix. s. 34.*]

28. [*Incorporation of ss. 27, 32—34, and 37 of 25 & 26 Vict. c. 93. Spent as to incorporation of s. 27; superseded as to incorporation of ss. 32—34 by 62 & 63 Vict. c. cxxxvii. ss. 19—23; and as to incorporation of s. 37 rep. 32 & 33 Vict. c. 102, s. 50.*]

29. [*Borrowing powers. Superseded by the Metropolitan Board of Works (Loans) Acts 1869—1871, and the London County Council (Money) Acts 1875—1904.*]

30—32. [*Financial provisions. Rep. 32 & 33 Vict. c. 102, s. 50.*]

33. [*Saving the rights of the Crown.*]

Provision as
to Crown
frontage.

34. Whereas a copy of the deposited plans and sections (which copy is herein-after called the Crown plans) has been prepared, on which certain parts of the bed or foreshore of the River Thames up to high-water mark belonging to or claimed by Her Majesty as part of the hereditary land revenues of the Crown are coloured blue, light brown, and green, and certain land adjacent thereto is coloured red and dark brown, the line of embankment and roadway by this Act authorized being coloured light and dark brown, and the Crown plans have been signed by one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues: Be it enacted, that the Crown plans shall be deposited at the office of Land Revenue Records and Inrolments, and it shall not be lawful for the Board in the construction of the intended embankment, roadway, or works to make any deviation from the levels defined in the sections shown on the Crown plans, nor from the centre line of roadway shown thereon, without the consent in writing of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, it being intended that, as regards the works by this Act authorized in front or to the

* Now the Metropolitan Borough Councils. See 62 & 63 Vict. c. 14, s. 4.

south of the Crown land coloured red on the Crown plans, such works shall be wholly constructed on the land coloured light and dark brown on such plans.

35. . . . It shall be lawful for Her Majesty, Her heirs and successors, or the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or any lessees or tenants under Her Majesty, to construct any vaults or cellars under the embankment or roadway to be constructed upon the land coloured brown upon the Crown plans, and also to have access to and to make any openings into such roadway from the land coloured red on the Crown plans. [*Part omitted (Board to fill up level and to wall or fence the part of the foreshore coloured blue lying between the intended roadway and the present river frontage before the roadway is open to the public) spent.*]

Works to be done before roadway on Crown lands opened to public.

36. [*Lands coloured blue to remain vested in the Crown.*]

37. It shall not be lawful for the Board to erect any building or structure whatever (other than a parapet wall or railing not exceeding four feet in height) on any part of the embankment coloured brown on the said Crown plans without the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them.

No building to be erected on embankment opposite land in which Crown interested without consent.

38. [*Board to fence off lands coloured blue and dark brown from lands coloured red before commencing works. Spent.*]

39. [*Crown lessee of the river frontage adjacent to the lands coloured blue to have the option of taking within 3 years a lease of the reclaimed land adjacent to his property for the terms of his leases. Spent.*]

40—41. [*No compensation to be paid to the Crown in respect of land above high-water mark and as to mode of ascertaining the interest of the Crown and Thames Conservators in certain lands. Spent.*]

42. [*Saving the rights of the Thames Conservators.*]

43. [*Saving the rights of the Commissioners of Works.*]

44. [*Expenses of obtaining Act. Spent.*]

32 & 33 VICTORIA. A.D. 1869.

CHAPTER 63.

AN ACT TO AMEND THE METROPOLITAN POOR ACT, 1867.

[9th August 1869.]

[*Preamble rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

1. The Poor Law Board,* as and when they shall see fit, may dissolve any asylum or school district contained wholly or partly in the metropolis, and upon such dissolution shall . . . provide for the compensation of the officers and other persons employed therein, in like manner as when a union is dissolved under the authority of the thirty-second section of the Poor Law Amendment Act, 1834: . . . and prior to issuing any order dissolving such district, the said Board may by their order empower the managers of such district to sell and dispose of any land, buildings, or other property belonging

Poor Law Board empowered to dissolve asylum and school districts and unions.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

to them, and to apply the produce thereof in discharge of the debts and liabilities then outstanding against such managers, and to distribute any surplus which may remain among the parishes or unions comprised therein according to their original proportions, and if the said district shall be dissolved before the same shall be sold, the said Board may by their order empower the persons who were the managers of the district at the time of its dissolution, or the major part of them, to make such sale, and to convey the land to the purchaser thereof, and to apply and distribute the produce accordingly. [*Parts omitted (as to adjustment of rights and liabilities of parishes and unions in any district dissolved and repeal of so much of s. 32 of Poor Law Amendment Act 1834 as requires the concurrence of two-thirds of the guardians in the dissolution) rep. 46 & 47 Vict. c. 39 (S.L.R.), and by the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.*]

Provision for the amalgamation of the several parts of a district into one union.

2. Where the union or unions and parish or parishes, or unions or parishes, constituting any district formed under The Poor Law Amendment Act, 1844, or under The Metropolitan Poor Act, 1867, shall have been or shall be formed into one union for the relief of the poor, all the property, real and personal, of the board of managers shall be transferred to, and shall vest in, the guardians of the said union, and the liabilities, obligations, and debts of the said board of managers shall be, in like manner, transferred to and be discharged by the said guardians.

Provision for parish workhouse in unions upon which union money has been expended.

3. Where the guardians of any union shall at any time, under the orders of the Poor Law Commissioners * or the Poor Law Board,* have borrowed money and expended it upon the improvement or enlargement of the workhouse or other property belonging to any parish comprised within the union, and such workhouse or property shall afterwards be sold or let, the guardians shall be entitled to receive out of the purchase money or rents such an amount as in the judgment of the Poor Law Board * shall appear reasonable, and the same shall be appropriated for the benefit of the said union in such manner as the said Board shall by their order direct.

Poor Law Board empowered to adjust parts of divided parishes.

4. Where several parts of any parish are separated from one another and it shall appear to the Poor Law Board * that the relief to the poor in such parish can be better administered by means of a readjustment of those parts, the said Board may, by an order under seal, make a readjustment of such parts, by incorporation with an adjoining parish or otherwise, in such manner as shall seem to them to be most expedient. . . . [*Part omitted (as to adjustment of rights and liabilities of parts of parishes affected) rep. by the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.*]

Provision for the dealing with the property vested in a board of guardians of a parish on the dissolution of the board.

5. Where upon the constitution of a board of guardians for any parish under the order of the Poor Law Commissioners * or the Poor Law Board * any workhouse, land, goods, effects, or other real or personal estate then vested in or belonging to any body or persons in trust for the parish, became vested in or transferred to such guardians, and the board so constituted has been or shall be dissolved or has otherwise ceased or shall cease to exist, such workhouse, land, goods, effects, or other real or personal estate shall, upon such dissolution or cessation, be by virtue of this Act revested in and transferred to the body or persons if still subsisting in whom the same were vested, or to whom the same belonged when any such

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

board was constituted, to be held upon the same trusts and with the same rights and obligations as existed when the property was previously held by such body or persons, and subject to all obligations lawfully created by the said board while the same was vested in them; and if there should be no such body or persons subsisting in whom the same can be so vested, and as regards all property acquired by the said board otherwise than as aforesaid, the same shall in like manner, upon such dissolution or cessation, vest in and be transferred to the churchwardens and overseers of the poor, or the overseers of the poor only, as the case may be, of the said parish, upon such trusts, with the same rights and subject to the same obligations as aforesaid. . . . [*Part omitted (repeal of s. 17 of 30 & 31 Vict. c. 106) rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

6. The qualification of managers referred to in section 10 of The Metropolitan Poor Act, 1867, shall be deemed to have been and to be that which the Poor Law Board* are empowered to prescribe by the twelfth section of the said Act.

Qualification of managers of asylum districts.

7. When any parish or union comprised in a district formed as aforesaid shall have been, or shall be added to a union, or shall be formed into a union with some other parish, without being separated from the district, every manager elected or nominated for such parish or union shall continue to act as a member of the board of managers for such district until the term for which he was elected or nominated shall have expired, and the board of management shall continue to be legally constituted, notwithstanding any such change in the separate parishes or unions combined therein; and where the Poor Law Board* shall have nominated guardians in any union or parish, the board of guardians shall continue to be legally constituted, and such nominated guardians to be qualified to act until the expiration of the term for which they were nominated, notwithstanding any increase in the number of ex-officio guardians in the meantime.

Provision for the acting managers of a parish in a district where such parish is added to a union.

8. Every registrar of births and deaths or marriages acting for any district in a union or parish, on or after the twenty-fourth day of June one thousand eight hundred and sixty-nine, shall be entitled to continue in office notwithstanding the dissolution of the union, or the addition or separation from a union of the parish or parishes comprising the district for which he acts, to the same extent as if such dissolution, addition, or separation had not taken place. . . . [*Part omitted (as to registrars whose offices determine before passing of Act) rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

Registrars of births and deaths to continue in office notwithstanding dissolution of union.

9. . . . The sums of money now borrowed or hereafter to be borrowed by the managers of any district under the authority of that or any subsequent Act shall, with interest thereon, be charged upon and paid off out of the common fund of the district. [*Part omitted (repeal of s. 17, par. 2, of 30 & 31 Vict. c. 6) rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

How loans in districts to be charged.

10. [*S. 24 of the Poor Law Amendment Act, 1868, extended to auditors under 30 & 31 Vict. c. 6. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

11. The guardians of any union or parish and the managers of any school or asylum district may, with the consent of the Poor Law Board,* purchase, hire, or otherwise acquire and fit up and furnish one or more ships to be used for the training of boys for

Guardians and managers may provide ships for the training of boys for the sea service.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

the sea service, and every such ship shall be deemed to be a school or asylum, as the case may be, within the meaning of "The Metropolitan Poor Act, 1867," and the several Acts therein referred to as "the Poor Law Acts" respectively.

Where dispensary provided the establishment of a dispensary committee not to be peremptory.

Where a dispensary is provided, guardians shall provide a place for the attendance of sick poor and medical officer.

If guardians refuse or neglect to provide a dispensary, no allowance to be made out of Metropolitan Common Fund for medicines and medical officers salaries.

Vaccination expenses.

Arrangements with public general hospitals.

Guardians may provide in their workhouses for the maintenance of particular classes of poor, and receive therein poor of the same class from other unions and parishes.

12. Where the guardians of any union or parish provide a dispensary for their union or parish, it shall not be necessary that a dispensary committee shall be appointed for such dispensary unless the guardians apply to the Poor Law Board* to issue an order for that purpose and the Poor Law Board* issue such order accordingly.

13. If the guardians provide a place for the dispensing of medicines for the relief of the sick poor of the union or parish, or of a district therein, under the authority of any other Act than The Metropolitan Poor Act, 1867, they shall, if required by the Poor Law Board* to do so, provide a proper room at such place where the medical officer of such union or parish, or of the district comprising such place, may see such of the sick poor as attend there for advice, and every medical officer of the union, parish, or district, as the case may be, shall, personally or by his authorized substitute, attend at that place during the times to be fixed for this purpose by the said guardians with the approval of the Poor Law Board.*

14. If the guardians of any union or parish, after being required by the said Board* to provide a dispensary under The Metropolitan Poor Act, 1867, or under the authority of any other Act, neglect or refuse to comply with such requisition, no repayment shall be made from the Metropolitan Common Poor Fund to the guardians of such union or parish in respect of any medicine or medical or surgical appliances supplied by them to the poor of the union or parish, or in respect of the salaries of the medical officers of such union or parish, until the guardians provide a dispensary in conformity with the requisition of the Poor Law Board,* from which time the right to such repayment shall again accrue.

15. No expenses of vaccination shall be repaid out of the said fund which shall have been incurred without the authority or without the approval of the Poor Law Board.*

16. It shall be lawful for any board of guardians, with the consent of the Poor Law Board,* to enter into arrangements with any public general hospital or dispensary situate within the limits of the parish or union for which the said board act, to receive and treat pauper patients on terms to be arranged between the board of guardians, with the sanction of the Poor Law Board,* and the authorities of the hospital or dispensary, as the case may be.

17. The guardians of any union or parish may, with the approval of the Poor Law Board,* set apart any ward or portion of their workhouse for the reception of particular classes or descriptions of poor persons, and provide separate maintenance and treatment for them therein, subject to such regulations as the said Board may at any time order or approve of, and may, with their consent, receive and maintain therein any poor person of the same class or description chargeable to any other union or parish upon such terms as shall be mutually agreed upon by the respective boards of guardians; and every such poor person so received into such workhouse shall, while therein, be treated in all respects in like manner, and be subject to the same regulations and liabilities as the other poor persons of the same class or condition, and shall be deemed to be

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

chargeable in the first instance to the common fund of the union or to the parish in whose workhouse such poor person shall be received; provided that the abiding of such poor person in such workhouse shall in all other respects be attended with the same legal consequences as if such workhouse had been situated within the union or parish from which such poor person shall have been sent.

18. The compensation payable to any officer of a union or parish who shall be deprived of his office by reason of the parish being added to or taken from a union, or the union being dissolved or altered, and any compensation awarded by the Poor Law Board* under section one of this Act, shall be paid by the guardians of such one of the parishes or unions affected by the addition, alteration, or dissolution, as the Poor Law Board* may by order direct, and shall be repaid to such guardians out of the Metropolitan Common Poor Fund.

Compensation to be charged on the Metropolitan Common Poor Fund.

19. In computing the time of the services of any officer of a union or parish who shall be deprived of his office by reason of the parish being added to or taken from a union, or the union being dissolved or altered, any period during which such officer shall have been in the service of a vestry, district board, or other parochial board of the same parish shall, with the consent of such vestry, district board, or other parochial board, be included.

Provision as to computing time of service of officers deprived of office under this Act.

20. [*Repeal of so much of s. 29 of 30 & 31 Vict. c. 6 as authorizes the use of any asylum for the sick or insane as a medical school. Rep. 46 & 47 Vict. c. 39 (S.L.R.). But see 52 & 53 Vict. c. 56, s. 4.*]

21. The cost of the maintenance and instruction of orphan or deserted children placed out by the guardians of any parish or union, with the consent of the Poor Law Board,* shall be repaid to the guardians from the Metropolitan Common Poor Fund.

Maintenance of orphans charged to Common Fund.

22. When the boundaries between any two parishes are irregular or inconvenient, it shall be lawful for the vestries of such parishes to enter into an agreement to re-adjust such boundaries, and such agreement shall be submitted to the Poor Law Board* for their approval, and such Board shall, if they think fit, by an order under seal, confirm such agreement, and shall make such regulations for the adjustment of the rights and liabilities of the parishes affected by the said order as the nature of the case shall in their judgment require. [*See the Local Government Act, 1894, s. 36 (13) (see Appendix), and 62 & 63 Vict. c. 14, s. 16 (1, c.).*]

Readjustment of boundaries between two parishes by agreement of vestries.

23. The term "common fund of the district" shall mean the fund raised by contributions from the unions and parishes forming the district assessed on and contributed by them in conformity with the provisions of The Metropolitan Poor Act, 1867, and words in this Act shall be construed in like manner as in The Metropolitan Poor Act, 1867, and The Poor Law Amendment Act, 1834, and subsequent Acts amending and extending the same, and the provisions contained in the said several Acts and not repealed shall, so far as they shall be consistent herewith, be extended to this Act.

Interpretation clause.

24. This Act shall, except where otherwise provided, apply to the metropolis only.

Act only to apply to the metropolis.

25. This Act may be cited and described for all purposes as The Metropolitan Poor Amendment Act, 1869.

Short title.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

CHAPTER 67.

AN ACT TO PROVIDE FOR UNIFORMITY IN THE ASSESSMENT OF RATEABLE PROPERTY IN THE METROPOLIS. [9th August 1869.]

[*Preamble rep.* 56 & 57 *Vict. c.* 54 (*S.L.R.*)]

Preliminary.

Act to be construed as one with 25 & 26 *Vict. c.* 103. and 27 & 28 *Vict. c.* 39.

1. The Union Assessment Committee Act, 1862,* is in this Act referred to as "the principal Act;" and the principal Act, and the Union Assessment Committee Act, 1864,* (amending the same,) shall for the purposes of this Act, and so far as is consistent with the tenor thereof, be incorporated with this Act; and the expression "this Act" in the principal Act, and any expression referring to the principal Act which occurs in the said Act amending the same, or in any other Act or document, shall, as regards places to which this Act extends, be construed to mean the principal Act as incorporated with this Act.

Short title.

2. This Act (including the Acts incorporated herewith) may be cited as The Valuation (Metropolis) Act, 1869.

Extent of Act.

18 & 19 *Vict. c.* 120.

3. This Act shall extend only to unions and parishes not in union, which are for the time being either wholly or for the greater part in value thereof respectively situate within the jurisdiction of the Metropolitan Board of Works† appointed under The Metropolis Management Act, 1855.

Definitions.

'Metropolis:'

'Parish:'

'Union:'

'Ratepayer:'

'Year:'

'Surveyor of taxes:'

'Overseers:'

'Vestry clerk:'

4. In this Act, unless the context otherwise requires,—

The term "metropolis" means the unions and parishes to which this Act extends:

The term "parish" means any place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed: [*See note on s. 158 of 18 & 19 Vict. c. 120 as to extra-parochial places.*]

The term "union" means any union of parishes, and any parish for which there is a separate assessment committee under this Act and the Acts incorporated herewith:

The term "ratepayer" means every person who is liable to any rate or tax in respect of property entered in any valuation list: [*See 47 & 48 Vict. c. 5, s. 2.*]

The term "year" means the twelve months commencing with the sixth of April and ending with the succeeding sixth of April; and words referring to a year refer to the same period:

The term "surveyor of taxes" means any surveyor of taxes, inspector of taxes, or other officer appointed or to be appointed by the Commissioners either of Inland Revenue or of Her Majesty's Treasury for the purposes of any tax in respect of which a valuation list is by this Act made conclusive:

The term "overseers" includes any person or body of persons performing the duties of overseers so far as regards the assessment, making, and collection of rates for the relief of the poor: [*See note on s. 158 of 18 & 19 Vict. c. 120 as to extra-parochial places; and 62 & 63 Vict. c. 14, s. 11.*]

The term "vestry clerk" means [the vestry clerk, if any, elected under the Act of the session of the thirteenth and fourteenth

* See Appendix.

† Now the London County Council. See 51 & 52 *Vict. c.* 41, ss. 40 and 100.

years of the reign of Her present Majesty, chapter fifty-seven, or under a local Act, or, if there is no such clerk,] the vestry clerk appointed under "The Metropolis Management Act, 1855": [*Words in square brackets seemle spent.* See 62 & 63 *Vict. c. 14, ss. 4 and 31 (2).*]

The term "hereditament" means any lands, tenements, hereditaments, and property which are liable to any rate or tax in respect of which the valuation list is by this Act made conclusive: "Hereditament:"

The term "gross value" means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rent-charge, if any, and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent: "Gross value:"

The term "rateable value" means the gross value after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses as aforesaid: "Rateable value."

The Acts specified in the first schedule to this Act are in this Act referred to by the short title placed opposite to them in that schedule.

Assessment Committee.

5. Where, in any parish which is not included in any union formed under the Poor Law Amendment Act, 1834, and the Acts amending the same, there is for the time being a vestry elected according to the provisions of the Metropolis Management Act, 1855, but no assessment committee under the principal Act, the following provisions shall have effect: Election of assessment committee in single parish where there is a vestry.

(1.) Where in any such parish there is a board of guardians having power under any local Act to make the rates for the relief of the poor that board of guardians shall appoint an assessment committee.

(2.) Where any two of such parishes are united under a local Act for the purpose of assessing or making the rates for the relief of the poor, the guardians for such united parishes elected in pursuance of the Poor Law Amendment Act, 1834, and the Acts amending the same, shall appoint an assessment committee:

(3.) In cases other than those before mentioned the vestry of such parish shall appoint an assessment committee: [*See 62 & 63 Vict. c. 14, ss. 4 and 13.*]

(4.) In . . . every . . . year, the body who appoint an assessment committee under this section shall on a day fixed by such body between the fifteenth and twenty-ninth of April in that year, or some other day fixed by the Poor Law Board,* hold a meeting, and appoint from among themselves an assessment committee (consisting of not less than six nor more than twelve in number) in the same manner, as near as may be, as if the parish or united parishes were an union and the appointing body a board of guardians within the meaning of the principal Act.

* Now the Local Government Board. See the Local Government Board Act, 1871, s. 2.

[*Words omitted* ("the first year after the passing of this Act and" and "subsequent") *rep.* 56 & 57 *Vict. c.* 54 (*S.L.R.*).]

All the provisions of this Act and the Acts incorporated herewith shall—

- (a.) in cases where the assessment committee is appointed by guardians under this section be construed as if such guardians, and the monies applicable by such guardians for the relief of the poor were the guardians mentioned in the principal Act and the common fund ; and—
- (b.) in cases where the assessment committee is appointed by the vestry be construed, so far as is consistent with the tenor thereof, as if the terms vestry,* members of the vestry, vestry clerk, assistant vestry clerk, and monies applicable to the payment of the expenses of a vestry under the Metropolis Management Act, 1855, were respectively substituted for the terms board of guardians, guardians, clerk of the board of guardians, assistant clerk of the board of guardians, and common fund, but nothing in such Acts relating to ex-officio guardians shall have any application in the case of a vestry.

[*Amended* 62 & 63 *Vict. c.* 14, *ss.* 13 and 31 (2).]

Making of Valuation Lists.

Making of valuation lists.

6. The overseers of every parish to which this Act extends, within the time in this Act mentioned, shall make and sign a valuation list of their parish in duplicate, in accordance with this Act. [*See s.* 42.]

Valuation lists to be dealt with under 25 & 26 *Vict. c.* 103. *ss.* 17 to 21.

7. After the valuation list is signed by the overseers the same proceedings shall be had as are directed by the seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of the principal Act, subject to the alterations made by this Act.

Duplicate sent to surveyor of taxes.

8. The overseers shall send one duplicate of the valuation list to the surveyor of taxes of the district at the same time that the other duplicate is deposited by them. The surveyor of taxes shall insert in the duplicate so sent to him the amount in his opinion of the gross value of the hereditaments comprised in such list where such amount differs from the amount inserted by the overseers, and shall transmit the duplicate to the assessment committee within twenty-eight days after he has received the same.

Notice to occupier of alteration of value, etc.

9. In each of the following cases ; namely,

- (1.) Where the overseers of the parish insert in the valuation list some hereditament not previously assessed, or raise the gross or rateable value of some hereditament above the value stated in the valuation list for the time being in force or (where there is no valuation list) in the then last assessment to the poor rate, or
- (2.) Where the assessment committee (otherwise than in determining an objection) alter a valuation list by inserting therein some hereditament, or by raising the gross or rateable value of some hereditament comprised therein,

the overseers shall immediately after the deposit or re-deposit of the list (as the case may be) serve on the occupier of such hereditament

* Now the Metropolitan Borough Council. *See* 62 & 63 *Vict. c.* 14, *s.* 4.

a notice of the gross and rateable value thereof inserted in the valuation list. [See also 47 & 48 Vict. c. 5, s. 2.]

10. The notice of the deposit and re-deposit of the valuation list published by the overseers shall state the times at which and the mode in which objections are to be made.

Notice to state time and mode of objection.

11. Objections may be made before the assessment committee by any person authorised by this Act and the Acts incorporated herewith to object who feels himself aggrieved by reason of the unfairness or incorrectness of the valuation of any hereditament, or by reason of the insertion or incorrectness of any matter in the valuation list, or by reason of the omission of any matter therefrom, or by reason of such a valuation list as is required by this Act not having been transmitted by the overseers to the assessment committee. The notice of objection shall specify the correction which the objector desires to be made.

Grounds on which persons may object before assessment committee.

12. A surveyor of taxes, and any ratepayer in the parish, shall have the same right of inspecting, copying, taking extracts from, and objecting to any valuation list which relates to his district or parish as is given to any person by this Act and the Acts incorporated herewith.

Surveyor of taxes, etc. may inspect, copy, and object to valuation list.

13. If the overseers of any parish fail to transmit such a valuation list as is required by this Act, the assessment committee shall appoint some person to make a valuation list, and may allow such person such remuneration in addition to his expenses as they think fit; and all expenses incurred by the assessment committee in pursuance of this section shall be paid by the guardians, and charged by them to such parish.

If overseers do not transmit list, committee to appoint a person to do so.

The person so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list so made shall be dealt with in the like manner as if it had been duly made and transmitted by the overseers.

14. The assessment committee, within the time in this Act mentioned, shall revise the valuation list in accordance with this Act and the Acts incorporated herewith. When they have finally approved such valuation list, they shall cause the totals of the gross and rateable value in such list to be ascertained and inserted in the list, and three members of the committee present at the meeting at which the list is finally approved shall sign at the foot thereof such declaration of approval and certificate of compliance with this Act as is contained in Part One of the second schedule to this Act. One duplicate, so certified, shall be sent to the clerk of the managers of the metropolitan asylum district,* and the other duplicate to the overseers of the parish to which it relates. [See s. 42; 56 & 57 Vict. c. cxxi. s. 14; and the *Agricultural Rates Act 1896*, s. 5 (b). (See page 428).]

Valuation list to be revised, certified, and sent to overseers, etc.

15. The overseers of the parish, on receiving the duplicate of the valuation list so sent to them by the assessment committee, shall immediately deposit it in the place in which the rate books of the parish are kept, and shall publish notice of such deposit, and of the time and mode of making appeals, and of the grounds on which an appeal is allowed by this Act to be made.

Deposit of duplicate of list in each parish.

16. The certified valuation list so sent to the clerk of the managers of the metropolitan asylum district* by the assessment committee shall be deposited at the office of such managers,† and

Deposit of list at office of the managers of metropolitan asylum district.

* Now the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 44.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 44.

within the time in this Act mentioned shall be returned by such clerk to the same assessment committee.

Printing and distribution of totals of gross and rateable value in valuation list.

17. The clerk of the managers of the metropolitan asylum district* shall, within the time in this Act mentioned, cause the totals of the gross and rateable values of all the valuation lists to be printed, and a printed copy of all such totals to be sent to every assessment committee, and the overseers of every parish in the metropolis and in every county in which any parish to which any of such totals relate is situate, to the clerks of the peace for every such county, to the Commissioner of the Metropolitan Police, the Corporation of the City of London, . . . every district board in the metropolis, and the Poor Law Board.† Every assessment committee, overseer, and ratepayer within the metropolis and every such county shall respectively be entitled to have printed copies of such totals on payment of one penny for each copy of all the said totals. [*Words omitted ("the Metropolitan Board of Works") seem obsolete; see 51 & 52 Vict. c. 41, ss. 40 (8) and 44. As to district boards, see 62 & 63 Vict. c. 14, s. 4.*]

Appeals.—Special Session.

Holding of special session to hear appeals.

18. In every petty sessional division in the metropolis the Justices of the Peace acting in and for such division shall, in every year at the time mentioned in this Act, hold a special sessions for hearing appeals under this Act against the valuation lists of the several parishes within such division. [*See s. 42.*]

Persons entitled to appeal to special sessions.

19. Any ratepayer and any overseers of a parish, so far as respects the valuation list of such parish, and any surveyor of taxes, so far as respects the valuation list of any parish in the petty sessional division, may, if he or they feel aggrieved by any decision of the assessment committee on an objection made with respect to the unfairness or incorrectness of the valuation of any hereditament included in such list, but not otherwise, appeal against such decision to the special sessions. The right to appeal to special sessions shall not deprive a person of any other right of appeal conferred on him by this Act. [*See 47 Vict. c. 5, s. 2.*]

Extent of jurisdiction of special sessions.

20. The Justices in special sessions under this Act shall not hear any appeal touching any matter with respect to which notice of appeal to the general assessment sessions‡ has been served in manner prescribed by this Act, and shall not hear any appeal touching any part or alter any part of the valuation list except the part relating to the value of an hereditament; and a decision of such Justices and an alteration by them of the value of an hereditament in the valuation list of any parish shall affect only the rights of the ratepayers of such parish among themselves, and shall not of itself in any way alter the totals of the gross or rateable value of such list as settled by the assessment committee, but may form a reason for an appeal against such totals to the assessment sessions and superior court as herein-after mentioned.

Powers of special sessions.

21. The Justices in special sessions under this Act may adjourn their court from time to time, as may be necessary for the per-

* Now the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 44.

† Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

‡ Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42, and the Scheme of the London County Council made thereunder on the 1st March, 1892.

formance of their duties under this Act. They shall have with respect to the attendance and examination of witnesses, the taking of evidence, the keeping order in court, the enforcing their orders, and all matters necessary for the execution of their duties under this Act, the same powers and jurisdiction as if they were assembled in petty sessions.

22. The Justices in special sessions shall send a written notice of the time and place at which they will hold a special sessions for the purpose of hearing appeals with respect to any parish to the overseers of such parish, who shall publish it as soon as it is received by them.

Notice by special sessions of time of sitting.

*Appeals.—Assessment Sessions.**

23. For the purpose of hearing appeals under this Act against any valuation list in the metropolis, the Justices of the Peace appointed as herein-after mentioned shall at the time mentioned in this Act assemble and hold a court of general assessment sessions * (in this Act referred to as the assessment sessions). [See s. 42.]

Court of general assessment sessions.

24. [Appointment of members of general assessment sessions. Superseded 51 & 52 Vict. c. 41, s. 42.]

25. The Justices in assessment sessions * may from time to time appoint, with the consent of the Poor Law Board,† a clerk, and other persons to assist them in the performance of their duties under this Act, and may assign him or them such remuneration and such duties as the Poor Law Board † may approve.

Officers of general assessment sessions.

26. The Justices in assessment sessions * may from time to time appoint one of their own number to act as their chairman,‡ who shall have a second or casting vote, and they may from time to time determine on their quorum so that it be not less than three.

Chairman, quorum, and powers of general assessment sessions.

The Court of General Assessment Sessions * may adjourn from time to time, as may be necessary for the performance of their duties under this Act, and (for the purpose of giving judgment only) from place to place in the metropolis. They shall with respect to the attendance and examination of witnesses, to the taking of evidence, to the keeping of order in court, to contempt of court, to the enforcement of their orders, and to all matters necessary for the execution of their duties under this Act, have the same jurisdiction and powers and be in the same position as a Court of Quarter Sessions; and, subject to the express provisions of this Act, shall conduct their proceedings, be convened, and be in the same position, as near as may be, as if they were a Court of Quarter Sessions.

27. The Justices in assessment sessions * may, with the approval of one of Her Majesty's principal Secretaries of State, make orders from time to time for the purpose of regulating the proceedings on appeals to them under this Act, and for determining the recognizances (if any) to be entered into by appellants in the case of appeals either to special sessions or to the assessment sessions.*

Orders as to proceedings and recognizances on appeals.

* Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42, and the Scheme of the London County Council made thereunder on the 1st March, 1892.

† Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

‡ See 51 & 52 Vict. c. 41, s. 42, and 59 & 60 Vict. c. 55, s. 2.

Fees on appeals under Act.

28. The Justices in assessment sessions * may make a table of the fees which in their opinion should be paid to the clerks of special sessions and to the clerk of assessment sessions * in the case of appeals under this Act, and shall lay such table before one of Her Majesty's principal Secretaries of State in the same manner as the Justices at quarter sessions may make and lay before such Secretary of State a table of fees, and all the provisions of section thirty of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, chapter forty-three, (which section relates to a table of fees and to the prohibition of clerks taking other fees,) shall apply in the case of a table of fees made, and the business done by the said clerks under this Act.

All fees paid in the case of appeals to the assessment sessions * shall be paid to the account of the Receiver of the Metropolitan Common Poor Fund, and shall be so paid and taken and accounted for in such manner as the Poor Law Board † may from time to time by order prescribe.

Places for hearing appeals.

29. The Justices in assessment sessions * shall from time to time appoint the place in the metropolis where the appeals relating to each parish in the metropolis are to be heard, and may, if they think fit, divide the metropolis into districts for the purpose of appeals, and appoint one or more places for every such district.

Public notice of times of holding courts to be given.

30. The Justices in assessment sessions * shall cause public notice to be given of the several times at which they will sit at the several places appointed for the hearing of appeals; such notice may be given under the hand of their clerk, and shall be given by advertisement in some newspaper circulating generally in the metropolis and by sending a copy of such notice to every surveyor of taxes in the metropolis, to every assessment committee which would have a right to appeal at such court, and to the overseers of every parish to which any appeal relates, and to all the parties to the appeal.

The overseers shall publish the notice as soon as it is received by them.

Summons of certain officers as witnesses.

31. The Justices in assessment sessions * may order any clerk to the Commissioners of Taxes, any surveyor of taxes, clerk of assessment committee, overseer, assistant overseer, or like officer in the metropolis to produce any documents relating to rates or taxes which such Justices may consider necessary for determining an appeal, and do not relate to profits of trade or of concerns in the nature of trade.

Any person who refuses, after tender of a reasonable sum for his expenses, to obey any order under this section shall be liable (on summary conviction before the Justices in assessment sessions * or any other two Justices) to a penalty not exceeding five pounds.

Persons entitled to appeal to assessment sessions.

32. Any ratepayer and any surveyor of taxes, and any overseer, with the consent of the vestry of his parish, who may feel aggrieved by any decision of the assessment committee, on an objection made before them to which he was a party, or by any decision of special sessions, whether he was a party or not, may appeal against such decision to the assessment sessions.*

Any assessment committee in the metropolis, or in the county in

* Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42, and the Scheme of the London County Council made thereunder on the 1st March, 1892.

† Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

which the parish to which the appeal relates is situate, any overseers in the metropolis or such county, with the consent of the vestry of their parish, any ratepayer in the metropolis or such county, and any body of persons authorised by law to levy rates or require contributions payable out of rates in the metropolis or such county, may appeal to the assessment sessions,* if they or he feel aggrieved by reason—

- (1.) Of the total of the gross value of any parish being too high or too low ;
 - (2.) Of the total of the rateable value of any parish being too high or too low ; or
 - (3.) Of there being no approved valuation list for some parish.
- [*Amended 47 Vict. c. 5, s. 2. See also 51 & 52 Vict. c. 41, s. 40 (2); and 62 & 63 Vict. c. 14, s. 11.*]

Proceedings on Appeals.

33. Notice in writing of every appeal, whether to special sessions or the assessment sessions,* specifying the correction which the appellant desires to have made in the valuation list, must be served, within the time in this Act mentioned, on the following persons ; namely,

Notice of appeal to special or assessment sessions.

In all cases on the surveyor of taxes of the district to which the appeal relates, and on the clerk of the assessment committee which approved the list wholly or partly questioned by the appeal :

When the appeal relates to the unfairness or incorrectness of the valuation of, or to the omission of an hereditament occupied by any person other than the appellant, or to the incorrectness of any matter stated in the list with respect to any such hereditament, then on such person :

If an assessment committee or a surveyor of taxes is the appellant, then also on the overseers of the parish to which the appeal relates :

Provided that it shall not be necessary to serve any notice of appeal on the surveyor of taxes in any case in which the appeal relates only to the rateable value of any hereditament.

The clerk of the assessment committee, on receiving notice of an appeal, shall forthwith serve notice thereof on the clerk of the special sessions or of the assessment sessions,* as the case may require. [*See s. 42, and 47 Vict. c. 5, s. 3.*]

34. The Justices in special sessions and in assessment sessions* respectively shall, in open court, hear and determine all appeals brought before them in such order as they may respectively from time to time appoint. They may adjourn the hearing from time to time, and to any day not later than the day before which all appeals to them are required by this Act to be heard : and in the case of assessment sessions* for the purpose of obtaining the decision of any superior court to any day necessary for that purpose ; and if from accident or mistake due notice of appeal has not been given, or if an additional notice of appeal appears to be required, they may, if they think it just, order notice of appeal to be given. They may confirm or alter the valuation list, so far as it is questioned by the appeal, in such manner as they think just, but shall not make any alteration in contravention of this Act.

Sessions to hear and determine appeals, and alter list accordingly.

* Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42, and the Scheme of the London County Council made thereunder on the 1st March, 1892.

The clerk of the assessment committee, or some deputy allowed by the assessment committee, shall attend the court with the valuation list to which the appeal relates, and any alteration shall be made by the Justice acting as chairman* of the sessions in that list, and the said Justice shall place his initials against such alteration. [See s. 42 (13).]

Making of valuation list where none approved.

35. If it appears to the Justices in assessment sessions† on any appeal that there is no approved valuation list for some parish, they may appoint some proper person (with such remuneration as they may appoint) to make a valuation list. Such person shall have for that purpose the same powers and duties as overseers.

The valuation list so made shall be deposited and otherwise made known to the persons interested in such manner as the court may direct, but in manner as near as may be as is provided in this Act with respect to the list originally made.

The costs of making such valuation list shall be paid by the assessment committee who failed to approve the list, and shall be deemed part of their expenses under the principal Act.

Assessment sessions may, on application of party to appeal, order valuation.

36. If any of the parties to the appeal apply to the Justices in assessment sessions† to direct a valuation of any hereditament with respect to which any appeal may be made, and if such applicant or applicants give such security as the court think proper to pay the costs of the valuation, the court may, in their discretion, appoint some proper person to make such valuation.

Adjournment to receive valuation list or valuation.

37. Where the court appoint a person to make a valuation list or a valuation, they may fix some subsequent day, either before or after the day before which all appeals are required by this Act to be heard, for receiving such valuation list or valuation, and may adjourn the hearing to that day.

Valuation to be in writing, person making it to have power to enter.

38. The person so appointed to make a valuation shall make his valuation in writing signed by him, showing the particulars of the hereditaments comprised therein, and the amounts at which he has valued the same respectively.

Such person may at all reasonable times, with or without assistants, enter upon any of the hereditaments directed to be valued, and may do thereon all acts necessary for completing the valuation.

Costs of appeal.

39. The costs of any appeal, including the costs of any such valuation as aforesaid, shall be in the discretion of the Justices in special or assessment sessions† (as the case may be), and shall be awarded by them to be paid by such parties to the appeal, and in such proportions, as they think just.

Costs (including the costs of making a valuation) so ordered to be paid may be recovered as if they had been awarded by a Court of Quarter Sessions, and when ordered to be paid by parties other than a ratepayer shall be paid as in this Act mentioned.

Appeal from decision of assessment sessions on points of law.

40. The same proceedings may be had by special case and certiorari or otherwise, for questioning any decision of the Justices in assessment sessions,† as may be had for questioning any decision of the Justices in general or quarter sessions, provided that every such certiorari shall be sued out within three months after the decision is given.

At any time after notice given of appeal under this Act to the

* See 51 & 52 Vict. c. 41, s. 42; and 59 & 60 Vict. c. 55, s. 2.

† Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42, and the Scheme of the London County Council made thereunder on the 1st March, 1892.

assessment sessions,* it shall be lawful for the parties, by consent and by order of any judge of one of the superior courts of common law at Westminster,† to state the facts of the case in the form of a special case for the opinion of any of those courts, and to agree that a judgment in conformity with the decision of that court, and for such costs as that court may adjudge, may be entered on the application of either party at the meeting of the Justices in assessment sessions* next or next but one after such decision has been given, and such judgment may be entered accordingly, and shall be of the same effect in all respects as if the same had been given by the assessment sessions* upon an appeal duly brought before them and adjourned; and the Justices shall, if necessary, hold a sessions or an adjourned sessions for this purpose.

Notice in writing of the decision of any superior court in pursuance of this section shall be served by the clerk of the assessment sessions on the assessment committee which approved the list questioned on the appeal to such court.

41. Notice of every alteration in the valuation list, which alteration is made in consequence of any decision on any appeal to the special sessions, assessment sessions,* or a superior court, shall, as soon as possible, be sent in writing by the clerk of the assessment committee to the overseers and surveyor of taxes of the parish and district respectively to which the list which is so altered relates, and such alteration shall be entered by the clerk of the assessment committee and by the overseers on the duplicates respectively deposited with them.

Notice of alteration of list to be sent to overseers.

Notice of every alteration in the total of the gross and rateable value of any valuation list, which alteration is made in consequence of any decision on any appeal to the assessment sessions* or a superior court, shall as soon as possible be sent in writing by the clerk of the assessment committee to the clerk of the managers of the metropolitan asylum district,‡ and the clerk of such managers ‡ shall send in writing such altered total to every person and body of persons who has power to levy or make any rate or assessment or require any contribution based on such total.

Times for Proceedings.

42. With respect to the times within which proceedings under this Act and the Acts incorporated herewith are to be done, the following provisions shall have effect; that is to say,

Times within which proceedings in making valuation list are to be done.

- (1.) The overseers shall make and deposit the valuation list before the first of June in the first year after the passing of this Act:
- (2.) The overseers shall transmit the valuation list to the assessment committee not sooner than fourteen and not later than seventeen days after notice is given of the deposit of such list:
- (3.) Notice of any objection by any person other than the surveyor of taxes and the overseers shall be given before the expiration of twenty-five days after the list is deposited:
- (4.) The assessment committee shall revise the valuation list before the first of October in the same year, and before the same day, but not less than sixteen days after the

* Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42; and the Scheme of the London County Council made thereunder on the 1st March, 1892.

† Now the High Court of Justice. See the Judicature Act 1873, ss. 3 and 4.

‡ Now the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 44.

- transmission of the list to them by the overseers, shall hold a meeting for hearing objections to such list :
- (5.) The assessment committee shall give notice of a meeting for hearing objections to a list not less than sixteen days before such meeting :
 - (6.) Notice of objection with respect to any list by the surveyor of taxes and by the overseers shall be given not less than seven days before the meeting at which objections to such list will be heard by the assessment committee :
 - (7.) The assessment committee shall send the valuation list to be re-deposited within three days after it is approved by them, and shall appoint a day not less than fourteen nor more than twenty-eight days after such re-deposit for hearing objections to the alterations, of which objections seven days notice shall be given by the objector :
 - (8.) The assessment committee shall finally approve and send the valuation list to the overseers, and the clerk of the managers of the metropolitan asylum district,* before the first of November in the same year :
 - (9.) Notices of appeal to special sessions shall be given on or before the twenty-first of November in the same year :
 - (10.) The Justices may hold the special sessions at any time after the thirtieth of November in the same year, which will enable them to determine all appeals before the ensuing first of January :
 - (11.) The clerk of the said managers * shall send out the printed totals before the first of December in the same year, and shall return the valuation list to the assessment committee not sooner than fourteen nor later than twenty-one days after the totals are sent out : [*See the Agricultural Rates Act 1896, s. 5 (b).* (*See p. 428.*)]
 - (12.) Notices of appeals to assessment sessions† shall be given on or before the fourteenth of January in the same year :
 - (13.) The Justices may hold the assessment sessions † at any time after the first of February in the same year, which will enable them to determine all appeals (except where a valuation list or valuation is ordered) before the ensuing thirty-first of March :
 - (14.) Notice of the times at which the assessment sessions † will be held at each place shall be given by the clerk ten days at least before the first court is held.

Effect of Valuation List.

Duration of valuation list.

43. The valuation list as approved by the assessment committee, and, if altered on any appeal under this Act to any sessions or a superior court, as so altered, shall come into force at the beginning of the year (commencing on the sixth of April) succeeding that in which it is made, and shall last for five years, subject to any alterations that may be made by any supplemental or provisional list as herein-after mentioned.

Rate to be levied notwithstanding appeal.

44. Notwithstanding any appeal under this Act which may be pending at the commencement of the year, the valuation list shall come into force unaltered, and every assessment, contribution,

* Now the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 44.

† Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42; and the Scheme of the London County Council made thereunder on the 1st March, 1892.

rate, and tax in respect of which the valuation list is conclusive shall be made, required, levied, and paid in accordance with such valuation list: and where in consequence of the decision on any appeal under this Act to assessment sessions* or a superior court an alteration in such valuation list is made which alters the amount of the assessment, contribution, rate, or tax levied thereunder, the difference, if too much has been paid, shall be repaid or allowed, and if too little, shall be deemed to be arrears of the assessment, contribution, rate, or tax (except so far as any penalty is incurred on account of arrears), and shall be paid and recovered accordingly.

45. The valuation list for the time being in force shall be deemed to have been duly made in accordance with this Act and the Acts incorporated herewith, and shall for all or any of the purposes in this section mentioned be conclusive evidence of the gross value and of the rateable value of the several hereditaments included therein, and of the fact that all hereditaments required to be inserted therein have been so inserted: that is to say,

Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.

(1.) For the purpose of any of the following rates which are made during the year that the list is in force, namely, the county rate, the metropolitan police rate, the church rate, the highway rate, the poor rate, the police, sewers, consolidated and other rates in the city of London, the sewers, lighting, general, and other rates levied by order of district boards† or vestries,‡ the . . . sums assessed on any part of the metropolis by the Metropolitan Board of Works,‡ assessments for contributions under the Metropolitan Poor Act, 1867, and every other rate, assessment, and contribution levied, made, and required in the metropolis on the basis of value: [*Words omitted ("main drainage improvement and other rates and") superseded 51 & 52 Vict. c. 41, ss. 3 (1) and 68*].

(2.) For the purpose of any of the following taxes which become chargeable during the year that the list is in force: namely,

(a.) The tax on houses levied under the House Tax Act and the Acts therein incorporated or referred to:

14 & 15 Vict. c. 36., etc.

(b.) Any tax assessed in pursuance of the Income Tax Act, and any Acts continuing or amending the same, on any lands, tenements, and hereditaments, in all cases where the tax is charged on the gross value, and not on profits:

5 & 6 Vict. c. 35., etc.

(3.) For the purpose of determining, so far as it is applicable, the value of any hereditament included therein for the purposes of the Acts relating to the sale of exciseable liquors, to the qualification of a juror, . . . and of a manager under the "Poor Law Amendment Act, 1834," or the "Metropolitan Poor Act, 1867," at any time at which such value is required to be ascertained: [*Part omitted (as to qualifications of vestrymen and auditors under 18 & 19 Vict. c. 120, and of guardians) superseded by the Local Government Act 1894, ss. 20, 23, and 31 (see Appendix); and 62 & 63 Vict. c. 14, s. 2 (5) & 14; and see ibid. s. 10 (1).*]

* Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42; and the Scheme of the London County Council made thereunder on the 1st March, 1902.

† Now the Councils of the Metropolitan Boroughs. See 62 & 63 Vict. c. 14, s. 4.

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

10 Geo. 4.
c. 44.

And in construing the Metropolitan Police Act and the Acts amending the same, the last valuation for the time being acted upon in assessing the county rate shall be deemed to mean the valuation list for the time being in force :

15 & 16 Vict.
c. 81., etc.

And in construing the County Rate Act* and Acts referring to the valuation, estimate, basis, or standard for the county rate, the valuation, estimate, basis, or standard shall be deemed to be the rateable value stated in such list :

14 & 15 Vict.
c. 36., etc.

And in construing the House Tax Act and the Acts therein incorporated or referred to, the full and just yearly rent shall be deemed to be the gross value stated in such list :

5 & 6 Vict.
c. 35., etc.

And in construing the Income Tax Act and any Acts continuing or amending that Act, with respect to Schedules A. and B. thereof, annual value shall be deemed to mean the gross value stated in such list. [*See also the Finance Act 1894, s. 35.*]

Revision of Valuation List.

Mode of
revising
valuation list.

46. Every valuation list shall be revised in manner directed by this Act, and such revision in every period of five years (the first of such periods beginning with the sixth of April one thousand eight hundred and seventy-one) shall be conducted as follows :

- (1.) In each of the first four years of such period a supplemental list shall, if necessary, be made out in the same form as the valuation list, and shall show all the alterations which have taken place during the preceding twelve months in any of the matters stated in the valuation list, but shall contain only the hereditaments affected by such alterations. If no alteration has taken place which makes a supplemental list necessary, the overseers shall send a certificate to that effect to the assessment committee in place of such list, which certificate may be in the form contained in the second schedule to this Act :
- (2.) In the fifth year of every such period the overseers shall make a new valuation list :
- (3.) The same regulations shall be observed and the same proceedings shall be had in the case of a supplemental list and a new valuation list as are directed by this Act and the Acts incorporated herewith in the case of the valuation list made in the first year after the passing of this Act :
- (4.) A supplemental list and a new valuation list shall come into force at the beginning of the year succeeding that in which they are respectively made, in the same manner and subject to the same conditions as the valuation list made in the first year after the passing of this Act :
- (5.) In each of the last four years of such period the valuation list which was in force on the day before the commencement of each such year, together with and as altered by the supplemental list, if any, which comes into force at the commencement of such year, shall be the valuation list which is in force during that year :
- (6.) A new valuation list when it comes into force shall supersede the valuation list which was in force during the fifth year of such period.

Provision for
valuing a
house built

47. If in the course of any year the value of any hereditament is increased by the addition thereto or erection thereon of any building,

* See Appendix.

or is from any cause increased or reduced in value, the following provisions shall have effect :

between the
times at
which the
valuation
list is made.

- (1.) The overseers of the parish in which such hereditament is situate may, and on the written requisition of the assessment committee or of any ratepayer of the union or of the surveyor of taxes for the district shall, send to the assessment committee a provisional list containing the gross and rateable value as so increased or reduced of such hereditament :
- (2.) A copy of the requisition shall be sent by the person making it to the clerk of the assessment committee, and if within fourteen days after the requisition has been served on the overseers they make default in sending such provisional list he shall forthwith summon the assessment committee, and the assessment committee shall appoint a person to make such provisional list, in the same manner as is in this Act provided in the case of the overseers failing to transmit a valuation list :
- (3.) On the receipt of the list the clerk of the assessment committee shall serve on the surveyor of taxes for the district a copy of the list, and shall serve on the occupier of any hereditament to which the list relates a copy of so much thereof as relates to that hereditament. Every copy shall be accompanied by a notice specifying a day, being not less than fourteen days after the date of the service of the notice on or before which any objection to the provisional list may be made, and stating the mode in which an objection is to be made. Such copy and notice shall be served in the same way as notices by an assessment committee are served :
- (4.) An objection may be made to any such provisional list by the said occupier, and by the surveyor of taxes, or by either of them, by notice thereof in writing being served on the clerk of the assessment committee, on the overseers, on the surveyor of taxes, and on the occupier, or on such of them as the case may require :
- (5.) The clerk of the assessment committee, on the receipt of the notice of any objection, shall forthwith summon a meeting of the committee, and give notice of the time and place of such meeting to the overseers, to the surveyor of taxes, and the occupier :
- (6.) The committee shall hear and determine on the objection in the same manner as if it were an objection to a valuation list, and may make such order as they think just :
- (7.) If no objection is made, then on the expiration of the time for making objections, or if an objection is made then as soon as the assessment committee have determined on the objection, the assessment committee shall cause a copy to be made of the provisional list, with any alteration made in it by the committee, and shall return the list and the copy thereof, after being dated and signed by their clerk, to the overseers :
- (8.) A provisional list, signed as aforesaid, shall have operation from the date of the service by the clerk of the assessment committee of a copy of the list and notice on the occupier,

and shall continue in force until the first list (supplemental or other) which is subsequently made comes into force :

- (9.) Upon a provisional list coming into operation the overseers shall make such entries in the rate book for the then current poor rate as will bring the same into conformity with such list, and shall also enter therein the date at which such list is to come into operation, and shall charge the occupier of such hereditament with a proper proportion of such current poor rate, regard being had to the time which has elapsed between the making of such rate and the said date and to the rateable value stated in such provisional list, and such occupier shall be considered as actually rated for such sum from the said date, and be liable to pay the same, and the same may be enforced accordingly :
- (10.) A provisional list during the time that it is in force shall be deemed to form part of the valuation list for the time being in force, and shall (so far as is necessary) be substituted for so much of that valuation list as relates to the same hereditament, and every rate and tax in respect of which the valuation list is conclusive, which are respectively made or charged after the provisional list comes into force, and the proportion of the current rate charged as before provided in this section shall be levied accordingly ; but if when the next revision of the valuation list takes place the list as approved and altered on appeal contains a smaller value for the hereditament comprised in a provisional list than the value stated in such provisional list, the amount of rate or tax which has been overpaid in consequence of the larger value having been stated shall be repaid or allowed :
- (11.) Nothing in this section shall affect the value on which any rate is made or sum is assessed or contribution required which is made, assessed, or required on the totals of the gross or rateable value of parishes or unions.

Expenses.

Costs of
appeal, etc.

48. The costs of an appeal awarded against or incurred by any assessment committee or overseers shall be deemed to be expenses incurred under this Act and the Acts incorporated herewith, and shall be raised and paid accordingly.

Any costs or expenses awarded against or incurred by any surveyor of taxes shall be defrayed in the same manner as expenses are directed to be defrayed by the Acts relating to the taxes in respect of which the valuation list is made conclusive.

Inland
Revenue
may make
allowances
for expenses
of Act.
Expenses.

49. The Commissioners of Inland Revenue may make such allowances as they think fit for remunerating any person employed by them in the execution of this Act, and for the discharge of any costs or expenses incurred by him.

50. The expenses of the assessment sessions * and such remuneration as the Poor Law Board † may from time to time allow to the

* Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42 ; and the Scheme of the London County Council made thereunder on the 1st March, 1892.

† Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

clerk of the managers of the metropolitan asylum district,* the clerk of the assessment sessions,† and persons appointed to assist the assessment sessions‡ as provided by this Act, and such costs and expenses incurred by such clerks and persons under this Act as the Poor Law Board‡ may allow, after such audit as the Poor Law Board‡ may direct, shall be paid by the Receiver of the Metropolitan Common Poor Fund out of any monies for the time being in his hands, and shall be paid at such times and in such manner and upon such precept of the Poor Law Board‡ as the Poor Law Board‡ may from time to time prescribe, and the Poor Law Board‡ may require contributions for the purpose of raising such remuneration, expenses, and costs.

Rules for formation of Valuation List.

51. The valuation list shall be made out in the form given in the second schedule to this Act. Form and contents of valuation list.

The overseers shall not include in such valuation list any hereditaments (except tithes or payment in lieu of tithes) which are charged according to Rule two in section sixty of the Income Tax Act, but shall include tithes and payments in lieu of tithes and every hereditament in their parish, and shall enter every hereditament in the valuation list in accordance with the classes mentioned in the third schedule to this Act, so that the deductions to be made in ascertaining the rateable value may be calculated in accordance with that schedule. [*See the Agricultural Rates Act 1896, s. 6 (3) (d).* (*See page 428.*)] 5 & 6 Vict. c. 35.

52. The per-centage or rate of deductions to be made from the gross value in calculating the rateable value for the purposes of this Act shall not exceed the amounts in the third schedule to this Act, so far as the same are applicable. Deductions for rateable value.

53. When a surveyor of taxes gives notice of objection or of appeal, the amount specified in the notice as being in his judgment the gross value of any hereditament referred to in the notice shall be inserted in the valuation list by the assessment committee, special sessions, or assessment sessions,‡ unless it is proved to the satisfaction of the assessment committee, special sessions, or assessment sessions,‡ that such amount ought not to be so inserted. Amount of gross value specified by the surveyor of taxes to be inserted, unless disproved.

54. Nothing contained in this Act or the Acts incorporated herewith shall affect any exemption or deduction from or allowance out of any rate or tax whatever, or any privilege of or provision for being rated or taxed on any exceptional principle of valuation. Saving of exemptions and exceptional principles of valuation.

Returns.

55. . . . In every . . . year in which a new valuation list is made, or in the month of March preceding any such year, every person who is liable to be charged with any rate or tax in respect of which the valuation list is made conclusive shall, when required, make to the overseers of his parish such statement or return as a person chargeable under the Income Tax Act and the Acts amending the same is bound to make. [*Amended 47 & 48 Vict. c. 5, s. 2. Words omitted ("In the first year after the passing of this Act, and" and "subsequent") rep. 56 & 57 Vict. c. 54 (S.L.R.).*] Occupier to make returns.

* Now the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 44.

† Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42; and the Scheme of the London County Council made thereunder on the 1st March 1892.

‡ Now the Local Government Board. See the Local Government Board Act 1871 s. 2.

Surveyor of taxes to supply notices and forms for returns to overseers, who are to serve them.

56. For the purpose of securing the proper making of such returns, the surveyor of taxes shall in the month of February preceding send to the overseers of each parish in his district a sufficient number of printed forms and notices, and the overseers, within a month after the receipt thereof, shall serve a notice and form on every person in their parish required by this Act to make a return; and every person required by this Act to make a return shall make it within twenty-one days after the service of a notice and form on him.

The forms and notices shall be such as are prescribed by the Income Tax Act or the Acts amending the same, or as the . . . Treasury may from time to time prescribe, and any such form duly filled up and signed shall be deemed to be a sufficient return.

The return shall be delivered to the overseers of each parish, and together with the valuation list shall be sent by them to the surveyor of taxes, and by the surveyor of taxes to the assessment committee. [*Words omitted* ("Commissioners of Her Majesty's") *rep.* 61 & 62 *Vict. c. 22 (S.L.R.).*]

Assessment committee may require returns from owner and occupier.

57. An assessment committee may, by order, require any person who is the owner or occupier or reputed owner or occupier of any hereditament in their union to send them a return in writing of all or any of the following things; viz., of the rent receivable or payable by him (as the case may be) for such hereditament, and of the person entitled to any tithe rentcharge charged on such hereditament, and of the amount of the same, and of the several persons by whom any tithe rentcharge is paid to him, and of the amounts paid by each such person, and of any other particulars respecting such hereditament as are required for the due execution of this Act and the Acts incorporated herewith. And every such owner or occupier shall obey such order within fourteen days after the service thereof on him.

Penalty for no or false returns.

58. If any person wilfully refuses or neglects to make any return lawfully required under this Act within the times respectively limited by this Act in that behalf, he shall be liable, on summary conviction, to a penalty not exceeding five pounds.

If any person wilfully makes or causes to be made a false return, he shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

Miscellaneous.

Provision for cases where no guardians and where no overseers.

59. With respect to any parish which is not included in any union of parishes, and in which there is no board of guardians,* the following provisions shall have effect:

- (1.) The assessment committee of the adjoining union shall act as the assessment committee of that parish, and where there is more than one such adjoining union the Poor Law Board † shall determine the assessment committee which is to act for such parish:
- (2.) Every such parish shall, for the purposes of this Act and the Acts incorporated herewith, but not for any other purpose, be deemed to be within the union of the assessment committee which acts for it:

* See note on 18 & 19 *Vict. c. 120, s. 158.*

† Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

- (3.) The masters of the bench, treasurer, governors, or other body of persons in such parish, may, at the time appointed for the election of an assessment committee, appoint a person to be a member of such assessment committee in addition to the number elected under this Act and the Acts incorporated herewith :
- (4.) Where there are no overseers the assessment committee shall appoint some person to perform the duties of the overseers under this Act and the Acts incorporated herewith, and may award him such remuneration as they think fit : and the person so appointed shall perform those duties, and shall, for that purpose, have all the powers of overseers :
- (5.) A proportionate share of the expenses of the assessment committee under this Act and the Acts incorporated herewith, and any remuneration paid to or expenses incurred by the person appointed by them under this or any other section to make a valuation list, shall be charged on such parish, and the sums so charged shall be paid by the masters of the bench, treasurer, governor, or other body of persons ; and sections sixty-six, sixty-seven, and sixty-eight of the Metropolitan Poor Act, 1867, shall apply to such sums in the same manner as if the assessment committee and their clerk were the Poor Law Board and the receiver mentioned in those sections.

60. Where the vestry or the guardians of any parish perform the duties of overseers with respect to a valuation list under this Act the list shall be signed by the vestry clerk or the clerk of the guardians. [*See 62 & 63 Vict. c. 14, s. 11.*]

Provision where vestry are the overseers.

61. The guardians may, upon the application of the assessment committee, after notice sent in the manner required by the principal Act, appoint some competent person to assist the committee in the valuation of the hereditaments in the union for such period as they see fit, at a salary or other settled remuneration, to be paid out of the common fund.

Guardians may appoint a paid valuer to assist the assessment committee.

62. Every assessment committee, with the consent of the guardians, and every overseer, with the consent of the vestry of his parish, may, for the purposes of any application for a valuation on any appeal, give security for paying the costs of such valuation. An assessment committee may give such security and may appear on any appeal by their clerk, and shall indemnify the said clerk against all monies, losses, and costs paid or incurred by him in consequence of such security or appearance.

Assessment committee and overseers may give security for costs of valuation.

63. Any room maintained out of the proceeds of any rate levied wholly or partly in the metropolis may (with the consent of the person or body corporate having the control of it) be used for hearing appeals, and for other purposes of this Act.

Use of public room for appeals, etc.

64. A valuation list may be proved by the production of a duplicate or copy of such list purporting to be certified to be a duplicate or a true copy by the clerk of the assessment committee that approved it, and such certificate shall state that the alterations (if any) made in the list in consequence of the decision on any appeal under this Act have been correctly made in the duplicate or copy so produced, and the clerk on application shall furnish a copy to any overseers on payment of a sum not exceeding the rate of three shillings for every hundred entries numbered separately. A

Evidence of valuation list, etc.

provisional list may be proved by the production of a duplicate or copy thereof purporting to be certified to be a true copy by the clerk of the committee who signed it.

Service of
notices, etc.
by post, etc.

65. All orders and notices under this Act and the Acts incorporated herewith shall be in writing or print, or partly in writing and partly in print, and if made or given by an assessment committee shall be sufficiently authenticated if signed by their clerk; and all orders, notices, and documents required by the same Acts to be served on or sent to any person or body of persons corporate or unincorporate may be either delivered to such person or the clerk of such body, or left at the usual place of abode of such person or clerk, or at the office of such clerk or body, or (if such abode or office cannot on reasonable inquiry be discovered) at the premises to which the order, notice, or document relates.

They may also be served and sent by post, by a prepaid letter, addressed to such person, or to the office of such body or to their clerk, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post. [*See the Interpretation Act 1889, ss. 29 and 26 (see Appendix.)*]

Publication
of notices by
overseers.

66. Any notice required by this Act to be published by the overseers shall, on the Sunday next following the receipt of such notice, or the document to which the notice refers, and the two following Sundays, be published by them in the manner in which notice of a rate allowed by Justices is required to be published. [*See the Poor Rate Act 1743, s. 1, and the Vestries Act 1837, s. 2.*]

Inspection,
etc. of docu-
ments depo-
sited with
rate books.

67. Where any documents are required by this Act to be deposited in the same place in a parish in which rate books are kept, every ratepayer shall be at liberty to inspect and take copies of or extracts from such documents at any reasonable time, without fee or charge. [*See also 56 & 57 Vict. c. cxxi. s. 14.*]

Valuation
lists to be
equivalent
to rate books
of parish.

68. The duplicate of the valuation list, approved by the assessment committee, and sent to the overseers, as directed by this Act, the notices of alterations made on any appeal under this Act, and any provisional list, shall for all purposes be deemed to be part of the rate books of the parish, and shall be produced by the overseers before the Justices upon any application for allowance of rates, and on any appeal under this or any other Act, and on any other occasion if so required, on which they are bound to produce such rate books, and any overseer who fails to produce such list in accordance with the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds.

The duplicate of the valuation list returned to the assessment committee by the clerk of the managers of the metropolitan asylum district,* and other documents in the possession of the assessment committee in pursuance of this Act, shall be kept at the board room or other convenient place from time to time appointed by the guardians of the same union, but shall be deemed to be in the possession of the assessment committee, and shall be produced by their clerk to the district auditor whenever required by him.

* Now the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 44.

69. Any ratepayer, overseer, clerk of an assessment committee, Ratepayer, etc. may inspect documents, etc. in hands of clerk of managers or assessment committee.
or surveyor of taxes in the metropolis may, at all reasonable times, without payment, inspect and take copies of and extracts from all valuation lists and documents which in pursuance of this Act are under the control of the clerk of the managers of the metropolitan asylum district,* or of the clerk of the assessment sessions.†

Any surveyor of taxes and any guardian and any overseer in a union, without payment, and any ratepayer in a union on payment of a fee not exceeding one shilling (to be carried to the common fund), may at any reasonable time expect [*sic*] and take copies of and extracts from any valuation lists, notices of objection, returns, and other documents in the possession or under the control of the assessment committee of that union.

Any clerk of an assessment committee in the metropolis may inspect and take extracts from any valuation lists in the possession or under the control of the assessment committee of any other union in the metropolis.

Any person who hinders a ratepayer, overseer, clerk of an assessment committee, or surveyor of taxes from so inspecting or taking copies of or extracts from any valuation list or document, or demands where not authorised by this Act a fee for allowing him so to do, shall be liable on summary conviction to a penalty not exceeding five pounds for each offence. [*See also 56 & 57 Vict. c. cexxi. s. 14.*]

70. [*Owner where rated to be in position of occupier. Rep. 47 & 48 Vict. c. 5, s. 2.*]

71. Any person who feels aggrieved by reason of any clerical or arithmetical error in a rate in the metropolis may apply to two justices of the peace or a magistrate sitting at any police court in the metropolitan police district, who, after the applicant has given such notice to the overseers who made the rate and such persons as such justices or magistrates think just, may hear the case in like manner as in the case of summary proceedings, and amend the rate so far as respects such error. Amendment of error in rate by two Justices.

72. Whenever the name of any person liable to be rated at the time the rate is made is omitted from any rate in the metropolis, or if any person is described in any such rate by a wrong name, the overseers may, after giving to such person seven clear days notice of their intention, apply to any two justices or any police magistrate as aforesaid, who may hear the case in like manner as in the case of summary proceedings, and insert the name so omitted, or correct the name so wrongly entered, and every such insertion and correction shall operate as if it had been part of the original rate: Provided that any person whose name is so inserted or corrected in any such rate may appeal against the same at the general quarter sessions of the peace which is holden next after such insertion or correction, in like manner as he might have appealed against the rate. Omissions from the rate.

73. Every poor rate made in the metropolis after the fifth of April one thousand eight hundred and seventy-one shall contain the particulars specified in the fourth schedule to this Act, together with such other particulars as the Poor Law Board ‡ may from time Form of rate and declaration.

* Now the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 41.

† Now the Quarter Sessions for the County of London. See 51 & 52 Vict. c. 41, s. 42; and the Scheme of the London County Council made thereunder on the 1st March, 1892.

‡ Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

to time by order direct, and the overseer shall sign the form of declaration which is given in that schedule before the rate is allowed by the justices. And the justices shall not allow any rate at the foot of which the said declaration has not been added and signed.

Any overseer who wilfully omits to make the said declaration or makes the same falsely shall be liable on summary conviction to a penalty not exceeding five pounds. [*See the Agricultural Rates Act 1896, s. 6 (3) (d).*†]

Amendment
of 25 and 26
Vict. c. 103.
s. 11.

74. The entry of the proceedings of the assessment committee at any meeting, and of the names of the members who attend that meeting, may be signed by the chairman of the next meeting of the committee, and every entry and minute purporting to be so signed shall be received in evidence in the same manner as if such entry or minute had been signed by the chairman of the meeting at which the proceedings took place, and the members were present.

Saving of
powers to
value pro-
perty not
included in a
valuation
list.

75. Nothing in this Act shall in any way alter or affect the mode of valuing or taxing any hereditament which is not included in any valuation list, or which is chargeable according to the profits and not according to the gross value, or the mode of charging the occupiers of land subject to a tithe rentcharge in respect of such tithe rentcharge.

Separate
assessment of
houses for
purposes of
house duty,
income
tax, and
Licensing
Acts.

76. Where for the purposes of the Acts relating to the duty on inhabited houses, or to the duties charged under Schedule B. of the Income Tax Act, or to the sale of exciseable liquors, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of such hereditament shall be ascertained in the same manner as if this Act had not passed.

Repeal of Acts.

Repeal of
Acts herein
described.

77. [*The enactments specified in the fifth schedule to this Act, and*] so much of any [*other*] Acts, whether public or local and personal, as authorizes any valuation of hereditaments to be made for the purposes of any rate or tax in respect of which the valuation list is by this Act made conclusive, are hereby repealed, where they relate only to the metropolis absolutely, and in other cases so far as they relate to the metropolis :

[*Part omitted (as to provisions of the Acts repealed remaining in force until this Act comes into operation) and words in square brackets rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

* Ss. 5 (b) and 6 (3) of the Agricultural Rates Act 1896 are as follows :—

"5. In every valuation list and in the basis or standard for any county rate, and in any valuation made by the council of a borough or any other council for the purpose of raising the borough or other rate—

"(b) In every case the total rateable value of the agricultural land in each parish shall be stated separately from the total rateable value of the buildings or other hereditaments in such parish ; and whenever a copy of the total of the rateable value of any parish is required to be sent to any person, such copy shall state both the above-mentioned totals."

"6. (3) The Local Government Board may by order make regulations for the purpose of this section, and also generally for carrying into effect this Act, and these regulations shall be laid before both Houses of Parliament, and if neither House of Parliament within ten days passes a resolution adverse to the said order, they shall be binding in law until varied in the same manner, shall have effect as if they were enacted in this Act, and shall amongst other matters provide—

"(d) for the alteration of the valuation list in accordance with the statements as finally settled and sending copies of the Schemes to spending authorities, and for applying and adapting any statutory form or procedure respecting the valuation list or poor rate."

FIRST SCHEDULE.

Date of Act.

Short title used in this Act.

10 Geo. 4. c. 44.

The Metropolitan Police Act.

5 & 6 Vict. c. 35.

The Income Tax Act.

14 & 15 Vict. c. 36.

The House Tax Act.

15 & 16 Vict. c. 81.

The County Rate Act.

SECOND SCHEDULE.

PART I.

VALUATION LIST for *[the parish or place for which the list is made]*
 in the Metropolitan Union of *[or not being in the Union]*
 in the County of

Number.	Name of occupier.	Name of owner.	Description of property.	No. of class.	Name or situation of property.	Extent.	Gross value as estimated by overseers.	Gross value as estimated by surveyor of taxes.	Rate of deduction per cent.	Rateable value.	Gross value as finally determined by assessment committee.	Rateable value as finally determined by assessment committee.

Signed this

day of

A.B. } Overseers of the poor of
 C.D. } the parish aforesaid.

We do hereby approve the above valuation list, and certify that in determining the gross and rateable value of the above hereditaments the provisions of the Valuation (Metropolis) Act, 1869, have been duly complied with.

Signed this

day of

A.B. } Members of the Assessment
 C.D. } Committee of the
 E.F. } Union.

Note.—The two last of the above columns (for gross and rateable value as determined by Assessment Committee) must be filled up, and the totals of those columns must be added up after the objections to the alterations have (if any) been heard, and before the list is finally approved.

PART II.

Form of Certificate where no supplemental list is sent.

We, the overseers of the parish of , do hereby certify that no alteration has taken place in the matters stated in the valuation list of this parish which renders a supplemental list necessary.

A.B. } Overseers of the parish
 C.D. } of

[See the Agricultural Rates Act 1896, s. 6 (3) (d). (See page 428.)]

DECLARATION TO BE ADDED TO THE RATE.

WE, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Valuation (Metropolis) Act, 1869, and now in force in this parish (or township), and the several hereditaments are, to the best of our belief, rated according to the value appearing in such valuation list, and do declare that the total of the above rate amounts to pounds shillings and pence.

_____ } Churchwardens.

_____ } Overseers.

[See the *Agricultural Rates Act 1896*, s. 6 (3) (d). (See page 428.)]

FIFTH SCHEDULE.

25 & 26 Vict. c. 102. An Act to amend the Metropolis }
Local Management Acts (The Metro- } in part,
polis Management Amendment Act, } namely,—
1862).

[So much of ss. 6, 7, and 13 as authorizes or relates to the ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive and] so much of any Act as applies the provisions hereby repealed.

[Parts omitted (repeal of so much of 43 Geo. 3, c. 161, 48 Geo. 3, c. 55, and 57 Geo. 3, c. 25 respectively, as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive; of so much of ss. 30 and 32 of 10 Geo. 4, c. 44 as relates to the ascertaining the value of any hereditaments with respect to the value of which the valuation list is made conclusive; of ss. 1, 2, 6, 7, and 9; of 6 and 7 Will. 4, c. 96; of s. 60 (No. I.; No. II., pars. 1 and 3; No. IV., pars. 2 and 4; No. V., so far as respects the deductions allowed by this Act), s. 63 (No. X. pars. 1, 2, 3, and 4), ss. 64, 65, 66, 67, 68, 78, 81, 82, 87, and any other part which relates to the ascertaining of the value of lands, tenements, and hereditaments with respect to the value of which the valuation list is made conclusive; of so much of 14 & 15 Vict. c. 36 as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive of 5 & 6 Vict. c. 35; of so much of ss. 1—20 (both inclusive) as relates to the preparation of a basis or standard of county rate for any part of the metropolis, and ss. 40—43 (both inclusive); of 16 & 17 Vict. c. 34, ss. 32 and 47, and so much of the rest of the Act as relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive of 15 & 16 Vict. c. 81; of so much of ss. 175 and 179 of 18 & 19 Vict. c. 120, as relates to ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive; of ss. 11 and 12 of

20 & 21 Vict. c. 64; of s. 1 of 21 & 22 Vict. c. 33; of ss. 3, 14, 15, the following words in s. 17, "and a copy of such valuation list shall be forthwith delivered to the board of guardians," ss. 22, 23, 24, 25, 26, 27, 28 down to "schedule hereunto annexed," ss. 29, 31, 32, 33, 34, 35, 36, 39, 41, 42, 43, and 45 of 25 & 26 Vict. c. 103; of ss. 1, 9, and 11 of 27 & 28 Vict. c. 39; of s. 17, so far as it relates to the value of property of 29 & 30 Vict. c. 64; of s. 1 of 29 & 30 Vict. c. 78; and of ss. 30, 31, 32, and 38 of 31 & 32 Vict. c. 122) rep. 46 & 47 Vict. c. 39 (S.L.R.).]

CHAPTER 102.

AN ACT FOR MAKING FURTHER PROVISION RESPECTING THE BORROWING OF MONEY BY THE METROPOLITAN BOARD OF WORKS, AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[11th August 1869.]

[Preamble rep. 56 & 57 Vict. c. 54 (S.L.R.).]

Short title.

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1869.

Definition of terms.

2. In this Act,—

The term "Board" means the Metropolitan Board of Works.*

Each of the several series of Acts specified in the different parts of the first schedule to this Act is in this Act referred to by the collective name given to such series in such separate part.

[Parts omitted (definition of "Treasury") rep. 56 & 57 Vict. c. 54 (S.L.R.); (definition of "Improvement Fund" to mean "the Thames Embankment and Metropolis Improvement Fund" constituted under the London Coal and Wine Duties Continuance Act 1861 †) spent.]

Exercise by Board of borrowing powers.

3. . . . The board shall not (except for such temporary period not exceeding six months as the Treasury may from time to time sanction) raise, otherwise than in conformity with this Act and with the sanction of the Treasury, any money under any powers of borrowing, whether conferred by the Acts mentioned in the first schedule to this Act, or otherwise howsoever. [Words omitted ("After the passing of this Act") rep. 56 & 57 Vict. c. 54 (S.L.R.).]

Creation by Board of consolidated stock.

4. The board, for the purpose of raising such portion of the loans authorized by the Acts mentioned in the first schedule to this Act for the purposes of those Acts as the Treasury may from time to time sanction, may create capital stock, to be called the metropolitan consolidated stock, in this Act referred to as consolidated stock, and to be issued in such amounts and manner, at such price and times, on such terms, subject to such conditions, with such dividends, and redeemable (at the option of the Board) at par at such times and on such conditions as the Treasury, before the creation thereof, may from time to time approve. [Amended 59 & 60 Vict. c. cxxiv. s. 23.]

Security for stock.

5. No holder of any portion of consolidated stock shall have any priority or preference by reason of the prior creation of such stock or otherwise, and all consolidated stock created for the purposes of the Acts mentioned in the first schedule to this Act, or of any Act

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Repealed 55 & 56 Vict. c. 19 (S.L.R.).

hereafter to be passed, and the dividends thereon, and the sums required for the redemption thereof, shall be charged indifferently on the whole of the lands, rents, and property belonging to the board, under the Acts mentioned in the first schedule to this Act, and on all moneys which can be raised by the board by rates under this Act, . . . subject to all charges existing at the passing of this Act on such lands, rents, property, moneys, and fund respectively, and shall be a first charge thereon after those charges; and all moneys required for payment of the dividends on such stock, and the sums required to be raised for the redemption of such stock as mentioned in this Act, shall be raised out of the . . . metropolitan consolidated rate * as in this Act mentioned. [*Parts omitted (as to "improvement fund") spent.*]

6. Where any stock has been created under this Act in order to raise any portion of a loan authorized by any of the Acts mentioned in the first schedule to this Act for the purposes of any of those Acts, such stock is referred to in this Act as created for the purposes of such Act, and the money raised thereby shall be deemed to have been borrowed under and for the purposes of such Act, and shall (subject to the provisions of this Act) be applied accordingly.

Application of money raised.

7. All consolidated stock shall be personal estate, and shall not descend to the heir or be liable to any foreign attachment by the custom of London or otherwise.

Stock, etc. to be personal estate.

8. [*As to advances by Public Works Loan Commissioners. Rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

9. The Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Treasury, may from time to time, out of any moneys coming into their hands under any Act relating to savings banks or to post office savings banks, make advances to the board on the security of consolidated stock without any further or other security, and may invest the said moneys in such stock.

Investment and advance by Commissioners for the Reduction of the National Debt.

10. The board shall cause to be kept at their office, or at some bank . . . , books in which the names and addresses of the several persons and bodies corporate from time to time entitled to consolidated stock, and the amounts to which they are respectively entitled, and all transfers thereof, shall be duly entered. [*Words omitted ("to be approved by the Treasury") rep. 59 & 60 Vict. c. cxxiv. s. 23.*]

Books to be kept for consolidated stock.

11. Consolidated stock shall be transferred only as follows:—

Transfer of stock.

(1.) The transfer shall be made in the said books, and shall be signed in such books by the transferee or by his attorney duly authorized in that behalf, which authority shall be given by writing under his hand and seal attested by two or more witnesses: [*Amended 33 & 34 Vict. c. 24, s. 7.*]

(2.) The transfer may be in the form contained in the second schedule to this Act, which shall be effectual in law to pass to the transferee all the interest of the transferor in the stock expressed to be transferred and the dividends thereon:

(3.) The acceptance of the transfer may be signified by the transferee, or his attorney authorized in manner aforesaid in that behalf, subscribing such acceptance in the said books:

* Now the county rate. See 51 & 52 Vict. c. 41, ss. 3 (1), 40 (9), 68 (1); and the County Rates Act 1852, s. 26. (See Appendix.)

- (4.) A person becoming entitled to any stock in consequence of the death, bankruptcy, or marriage of the owner, or by any lawful means other than by transfer under this Act, shall produce such evidence of his title as may be reasonably required by the board, or by the persons or body corporate who keep the said books.

No notice of any trust, express, implied, or constructive, shall be entered in the said books or receivable by the board, or by any persons or body corporate who keep such books.

12. [*As to closing of transfer books. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

Books to be evidence.

13. The books so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act, and of the title of persons or bodies corporate entered therein as owners of any consolidated stock who are mentioned therein as such owners.

Certificates of stock.

14. The board, persons, or body corporate who keep the said books may, if the board think fit, issue to the holder of any consolidated stock a certificate under the hand of some officer of the board or body corporate or of such persons, which certificate shall specify the amount of stock to which such holder is entitled, and such certificate shall be evidence of the title of the holder at the date of the certificate to the amount of stock stated therein, but the want of such certificate shall not prevent the owner of any consolidated stock from transferring the same.

Certificate to be renewed when destroyed.

15. If any such certificate be worn out or damaged, then the same may, upon the production thereof, be cancelled, and another similar certificate may be given to the holder of the stock therein specified, or if such certificate be lost or destroyed, then upon proof thereof to the satisfaction of the board, persons, or body corporate who keep the said books, a similar certificate shall be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said books, and for every such certificate given in pursuance of this section a fee not exceeding two shillings, to be carried to the account of the board, may be demanded.

Provisions of 26 & 27 Vict. c. 28. as to certificates to bearer, to extend to this Act.

16. The Stock Certificate Act, 1863,* (which relates to the issue to holders of stock in the public funds of certificates to bearer transferable by delivery,) shall extend to consolidated stock in the same manner as if such Act were herein enacted, with the following modifications; namely,

- (1.) The term "the bank" shall be construed to mean the board, persons, or body corporate who keep the books for the transfer of consolidated stock:
- (2.) The terms "public stocks" and "stock" shall be construed to mean consolidated stock:
- (3.) The term "the books of the bank" shall be construed to mean the books kept for the transfer of consolidated stock in pursuance of this Act:
- (4.) All fees shall be paid to the account of the board:
- (5.) [*As to stamp duty. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]
- (6.) The provision respecting a stock certificate, in respect of which no coupons have been presented for payment for a period of ten years, shall not extend to consolidated stock.

* Rep. 33 & 34 Vict. c. 69 (S.L.R.), but see 33 & 34 Vict. c. 24, s. 8: and the National Debt Act 1870, part v.

17. The board may enter into such arrangement with any bank for carrying into effect the provisions of this Act with reference to the creation and transfer of consolidated stock, and the management thereof, and the keeping of the said books, and for the proper remuneration of the bank with reference thereto. . . . [*Words omitted ("as may be approved by the Treasury") rep. 59 & 60 Vict. c. cxxiv. s. 23.*]

Arrangement with bank.

18. [*As to stamp duty on transfers. Rep. 46 & 47 Vict. c. 39.*]

19. For the purposes of the Act of the session of Her Majesty's reign, chapter ninety-eight, "to consolidate and amend the Statute Law of England and Ireland relating to indictable offences by forgery," all consolidated stock shall be deemed to be capital stock of a body corporate within the meaning of that Act.

Forgery, etc. of transfers of stock, etc.

20. Any person who with intent to defraud makes any false entry in or alters any word or figure in any of the said books for transfers, or in any manner falsifies any of the said books, or makes any transfer of any consolidated stock, in the name of any person who is not the true owner thereof, shall be guilty of felony, and on conviction shall be liable to penal servitude for any term not exceeding fourteen years. . . . [*Part omitted (as to imprisonment for term not exceeding 2 years) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Making false entries in books.

21. Any person who, being a clerk, officer, or servant of or employed by the board, or the persons or body corporate who keep the books for transfer of consolidated stock, does with intent to defraud make out or deliver any stock certificate, dividend warrant, or document for the payment of money in relation to any consolidated stock for a greater or less amount than the person on whose behalf such certificate, warrant, or document is made out is entitled to, shall be guilty of felony, and shall be liable on conviction to be kept in penal servitude for any term not exceeding seven years. . . . [*Part omitted (as to imprisonment for any term not exceeding 2 years) superseded by the Penal Servitude Act 1891.*]

Making out false dividend warrants.

22. [*Power to the board to levy the "metropolitan consolidated rate" for the purpose of paying dividends on and redeeming consolidated stock, of defraying the expenses of obtaining or executing the Acts mentioned in the first schedule to Act, and for payment of principal and interest of and sinking funds for securities granted by the board for the purposes of those Acts before the passing of this Act. Superseded 51 & 52 Vict. c. 41, ss. 3 (1), 40 (9), 68 (4). See the County Rates Act 1852, s. 26. (See Appendix.)*]

23. Where any portion of the consolidated rate represents any rate which for the purposes of any contract or otherwise is deemed to be a landlord's or tenant's rate, such portion shall for those purposes be deemed to be such landlord's or tenant's rate as the case may be, and all rights at the passing of this Act existing as between landlord and tenant, or enjoyed by any person under statute, contract, or otherwise in relation to the sums or rates assessed by the board, shall continue to exist and be enjoyed in relation to the consolidated rate as between and by the same persons and in the same manner as in relation to such sums or rates. [*Note on s. 5 (as to metropolitan consolidated rate) applies.*]

Saving of rights.

24—25. [*As to raising money required for the consolidated rate and exemptions therefrom. Superseded 51 & 52 Vict. c. 41, ss. 3 (1), 40 (9), 68 (4). See also the County Rates Act 1852, s. 26. (See Appendix.)*]

Consolidated
loans fund.

26. For the purpose of paying the dividends on and redeeming consolidated stock created under this Act there shall be established a fund to be called the consolidated loans fund of the metropolis, in this Act referred to as the consolidated loan [*sic*] fund, and, subject to the provisions of this Act, the board shall keep a separate account of such fund.

Moneys ap-
plicable to
consolidated
loans fund.

27. The board shall carry to the consolidated loans fund the moneys following . . . ; that is to say,—

- (1) All moneys whether in the nature of capital or otherwise arising from the sale lease or other disposition of lands rents and property belonging to the board. [*See also 47 & 48 Vict. c. 50, s. 23, and 53 & 54 Vict. c. 41, ss. 24 and 25.*]
- (2) [*The residue of the improvement fund which may come into their hands in the manner mentioned in this Act. Spent.*]
- (3) Such an annual sum in every year out of the consolidated rate and out of the contributions paid to the board in pursuance of the Fire Brigade Act or out of one of such sources as may be equal to two per cent. on the total nominal amount of consolidated stock whether it has been cancelled or not ; or
- (4) Such greater or less annual sum as the Treasury may from time to time approve as being in their opinion necessary in order to pay the dividends on and to redeem all the consolidated stock in sixty years from the date of the creation thereof. [*Amended by the Housing of the Working Classes Act 1903, s. 15.*] [*See 18 & 19 Vict. c. 120, s. 190, and note.*]

28. [*As to the application of the consolidated loans fund. Rep. 52 & 53 Vict. c. 61, s. 15.*]

29. [*As to application of the Thames Embankment Fund. Rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

30. [*As to transfer of the improvement fund to board. Rep. in part 56 & 57 Vict. c. 54 (S.L.R.) ; remr. spent.*]

Separate
accounts of
amount
raised for
different
Acts.

31. The board shall cause to be kept proper accounts showing the appropriation of the moneys raised by the stock created under this Act for the purposes of the different series of Acts, namely, the General Improvement Acts, the Main Drainage Acts, the Embankment Acts, and the Fire Brigade Act respectively.

All or any of the accounts of the board may be from time to time consolidated in such manner and on such conditions as the Treasury approve, and the accounts so kept shall be deemed sufficient for the purposes of any Act and all other purposes. [*See 51 & 52 Vict. c. 41, s. 71.*]

32—33. [*As to conversion of existing securities into consolidated stock. Spent.*]

Creation of
stock for
paying off
money
borrowed, etc.

34. For the purpose of raising money . . . to pay off any security granted before the passing of this Act by the board for the purposes of any of the Acts mentioned in the first schedule to this Act, and for the purpose of the conversion of any such security, the board may create consolidated stock under the provisions of this Act in like manner . . . as they may create the same for the purpose of raising money for the purposes of the said Acts, and the money raised by such stock shall be applied in such payment, and all stock created under the provisions of this section shall be deemed to be created and the money raised thereby to have been borrowed for the purposes of the Acts for the purpose of which the original

security was granted. [Word omitted ("or") *rep.* 34 & 35 Vict. c. 47, s. 7; ("and with the like sanction") *rep.* 59 & 60 Vict. c. cxxiv. s. 23.]

35. [As to sinking fund of existing securities. *Spent.*]

36. [As to borrowing powers for the purposes of Main Drainage, Embankment, and Fire Brigade Acts. *Spent.*]

37. Where the managers of the Metropolitan Asylum District require to borrow money under "The Metropolitan Poor Act, 1867," and the Acts amending the same, such managers may borrow and the board may lend on the security authorized by those Acts such sums as the managers may have been authorized by the Poor Law Board,* in pursuance of those Acts, to borrow, not exceeding in the whole five hundred thousand pounds.†

Loans by board to managers of Metropolitan Asylum District.

For the purpose of raising the money so lent to the managers, the board may create consolidated stock under the provisions of this Act, in like manner and with the like sanction as they may create the same for the purpose of raising money for the purposes of the Acts mentioned in the first schedule to this Act, and all the provisions of this Act shall apply as if such money were raised and stock were created for the purposes of the last-mentioned Acts, with this exception, that the money required in pursuance of this section may be borrowed by the board in addition to the sum limited by this Act.

All sums received by the board from the said managers in respect of interest on or the principal of such loan shall be carried to the Metropolitan Consolidated Loans Fund.

Notwithstanding anything in the Metropolitan Poor Act, 1867, and the Acts amending the same, the amount so lent by the board shall be repaid to them by the said managers, with interest, within such period not exceeding sixty years as may be agreed upon between the board and the said managers, subject to the approval of the Treasury.

The board may lend and the managers may borrow money in pursuance of this section for the purpose of repaying any loan due at the passing of this Act from the said managers.

The board and the said managers may execute all such deeds and documents and do all such acts as may be necessary or expedient for carrying this section into effect.

38. [*Limit of borrowing powers. Rep.* 61 & 62 Vict. c. 22 (S.L.R.).]

39. The dividends on all consolidated stock shall be paid on such days as may be from time to time fixed by the board. . . . [Words omitted ("with the approval of the Treasury") *rep.* 59 & 60 Vict. c. cxxiv. s. 23.]

Payment of dividends.

40. Any person or body corporate entitled to any consolidated stock or to any security granted by the board may, if default be made for a period of not less than two months after demand in writing in the payment of dividend on such stock or of interest on any such security, apply to the Court of Chancery in a summary way for the appointment of a receiver, and the Court of Chancery may, if the Court think fit, on such application appoint a receiver on such terms and conditions, and with such powers, as the court think fit. Such person shall have the same power of collecting and

Appointment of a receiver in certain cases.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

† This limit is varied by many of the subsequent Money Acts of the Metropolitan Board of Works and the London County Council.

receiving and applying all moneys liable to be carried under this Act to the consolidated loans fund, and of assessing and raising the metropolitan consolidated rate for the purpose of obtaining such moneys as the board or any officer thereof may have, and shall apply all such moneys, after payment of expenses and costs, under the direction of the court, for the purposes of and in conformity with this Act. The court may at any time discharge such receiver, and shall have full jurisdiction over such receiver, and the applicant and all persons and bodies interested in the acts of the receiver, in the same manner and to the same extent as if a suit had been duly instituted for the administration of the affairs of the board and a receiver had been appointed in such suit.

The Lord Chancellor of Great Britain, with the advice and assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice-Chancellors, or any two of those judges, may from time to time make general orders for the regulation of the practice of the Court of Chancery under this section. [*Note to s. 5 (as to the metropolitan consolidated rate) applies.*]

Moneys
received by
the board to
be paid into
bank to their
account.

41. All sums of money, bills, and drafts which are received by the board under the provisions of this Act shall from time to time, within two days after the same have been received, or within two days after any bill has been accepted, completed, and perfected, if the same is not accepted, completed, and perfected at the time it is received, be paid by the board into the hands of some bank to be appointed by the board . . . , for which the receipt of one of the cashiers or other officers of such bank shall be a sufficient discharge; and all such moneys, bills, and drafts so to be paid as aforesaid shall from time to time be placed to the account of the board with such bank, and shall be applied and disposed of by the board for and towards the several purposes to which the same are by law applicable. [*Words omitted ("with the approval of the Treasury") rep. 59 & 60 Vict. c. ccciv. s. 23.*]

Exemption
of purchasers
of stock from
inquiries into
application
of money,
regularity of
proceedings,
etc.

42. A person or body corporate purchasing any consolidated stock, or advancing money to the board on the security of such stock, shall not be bound to see or inquire whether such stock is created or such advances are required for the purposes of the Acts mentioned in the first schedule to this Act, or is or are within the borrowing powers of the board, or otherwise in accordance with the provisions of this Act, or any regulations made thereunder, and shall not be prejudiced by the same not being so, and shall not be bound to see to or inquire into the application of the money or any part of the money arising from such stock or advances, or be in any way responsible for the non-application thereof, and shall not be bound to inquire whether the board so raising money, or any meeting thereof, was properly constituted or convened, or that the proceedings at any meeting of such board were legal or regular.

Approval of
Treasury.

43. The approval, sanction, or certificate of the Treasury, where required under this Act, may be signified by the signature of any officer appointed by them for the purpose, and shall, until the contrary is proved, be deemed to have been given, and the holder of consolidated stock shall not be prejudiced by reason of the absence of any such approval, sanction, or certificate.

Purchasers
of land to be
freed from
charges.

44. Where the board sell or lease or otherwise dispose of to any person or body corporate any land, rents, or property charged under the provisions of this Act as security for any consolidated

stock, such land, rents, and property shall in the hands of such person or body corporate be absolutely freed of every such charge, and such person or body corporate shall not be bound to see to or inquire into the application of the money arising from such sale to the consolidated loans fund or otherwise in manner directed by this Act, or be in any way responsible for the non-application thereof.

45. Nothing in this Act shall affect any power or duty of the board to sell, lease, or otherwise dispose of land, rents, or property belonging to them, or to apply the moneys in the nature of capital arising from such sale, lease, or disposition, in discharge of such liabilities and securities as are a charge on the same in priority to the charge created by this Act, or affect the claim of any person or body corporate under any of the Acts mentioned in the first schedule to this Act, or otherwise existing at the passing of this Act, to such moneys or any part thereof. [See also 47 & 48 Vict. c. 50, s. 23, and 53 & 54 Vict. c. 41, s. 24.] Power of board to sell etc. land.

46. The board may, in lieu of any portion of consolidated stock authorized to be created under this Act, create for the like purpose terminable annuities, to be called metropolitan annuities, and to be granted at such rate of interest, on such terms, subject to such conditions, and terminable after such number of years as the Treasury may before the creation thereof from time to time approve: and throughout this Act the term "stock" shall be construed to include annuities so created, and all the provisions of this Act shall be construed accordingly, subject to the following qualifications; namely, Creation by board of annuities.

- (1.) The term "dividend" shall be construed to mean the portion of the annuity which represents interest.
- (2.) The term "nominal amount of stock" shall be construed to mean the capital value of the annuity at the time when such nominal amount is required to be ascertained, such capital value to be calculated on the same principles as the calculation made at the time of its creation.
- (3.) The term "redeeming stock" and terms referring thereto shall be construed to mean paying the portion of instalments of any annuity which represents capital.
- (4.) Instalments of an annuity shall be paid on such days as may from time to time be fixed by the board with the approval of the Treasury.
- (5.) An appointment of a receiver may be made where one or more of the applicants happen to be entitled partly to stock and partly to annuities, or where one or more of the applicants happen to be entitled to stock and one or more to annuities, as well as where he or they are entitled to stock alone or annuities alone.
- (6.) Where power is given by this Act to create stock, or to lay out the consolidated loans fund in the purchase of stock or to convert any security into stock, or to invest in or advance money on the security of stock, such creation, purchase, conversion, investment, or advance may be of, in, into, or on the security of annuities only or partly annuities and partly stock.
- (7.) [As to stamp duty on transfer of metropolitan annuities. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]

47. [*As to existing securities under the Acts mentioned in the first schedule. Spent.*]

48. [*Transitory provisions as to uncompleted loans. Spent.*]

Annual
return to be
laid before
Parliament.

49. On or before the first of June in every year the board shall prepare a return, in such form as may be from time to time directed by the Treasury, showing up to the twenty-fifth of March preceding the amount of consolidated stock, and the application of the money raised by such stock, and the sums carried to and the application of the consolidated loans fund, and such other particulars respecting their loan transactions, and such estimate of the expenditure of the board for all purposes for the year commencing on such twenty-fifth of March, as the Treasury may from time to time require, and such return shall be laid before both Houses of Parliament on or before the said first of June, if Parliament be then sitting, and if not within ten days after the next meeting of Parliament. [*See also 38 & 39 Vict. c. 65, s. 13.*]

50. [*Repeal of Acts in third schedule to the extent therein mentioned. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

SCHEDULES.

FIRST SCHEDULE.

* *Acts authorizing Loans.*

Date.	Title.
PART I.—GENERAL IMPROVEMENT ACTS.	
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.
19 & 20 Vict. c. 112.	The Metropolis Management Amendment Act, 1856.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.
20 & 21 Vict. c. cxv.	Covent Garden Approach and Southwark and Westminster Communication Act, 1857.
20 & 21 Vict. c. cl.	The Finsbury Park Act, 1857.
21 & 22 Vict. c. xxxviii.	Victoria Park Approach Act, 1858.
27 & 28 Vict. c. iv.	The Southwark Park Act, 1864.
28 & 29 Vict. c. iii.	Whitechapel and Holborn Improvement Act, 1865.
29 & 30 Vict. c. cl.	Kensington Improvement Act, 1866.
31 & 32 Vict. c. vii.	Marylebone (Stingo Lane) Improvement Act, 1868.
PART II.—MAIN DRAINAGE ACTS.	
21 & 22 Vict. c. 104.	The Metropolis Management Amendment Act, 1858.
26 & 27 Vict. c. 68.	The Metropolitan Main Drainage Extension Act, 1863.†
28 & 29 Vict. c. 19.	An Act to extend the period for borrowing the sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863.†
PART III.—FIRE BRIGADE ACT.	
28 & 29 Vict. c. 90.	The Metropolitan Fire Brigade Act, 1865.
PART IV.—EMBANKMENT ACTS.	
25 & 26 Vict. c. 93.	The Thames Embankment Act, 1862.
26 & 27 Vict. c. 45.	The Metropolis Improvement Act, 1863.
26 & 27 Vict. c. 75.	The Thames Embankment Act, 1863.
27 & 28 Vict. c. cxxxv.	Thames Embankment Amendment Act, 1864.
27 & 28 Vict. c. 61.	The Thames Embankment and Metropolis Improvement (Loans) Act, 1864.†
31 & 32 Vict. c. 43.	The Thames Embankment and Metropolis Improvement (Loans) Act, 1868.†
31 & 32 Vict. c. cxi.	The Thames Embankment (North and South) Act, 1868.
31 & 32 Vict. c. cxxxv.	The Thames Embankment (Chelsea) Act, 1868.
32 & 33 Vict. c. cxxxiv.	The Park Lane Improvement Act, 1869.

* See also the Tramways Act 1870, s. 21. (See Appendix.)

† Rep. by s. 50 of this Act.

SECOND SCHEDULE.

Forms of Transfer.

I, A.B., of _____, in consideration of the sum of _____ pounds paid to me by C.D. of _____, do hereby transfer to the said C.D., his executors, administrators, and assigns, the sum of £ _____ metropolitan consolidated stock [*or annuities*] standing in my name in the books kept of such stock [*or annuities*], and all my property, right, and interest in and to the same and the dividends thereon [*or the instalments thereof*].

In witness whereof, I have hereunto set my hand
this _____ day of _____ one thousand
eight hundred and _____

A.B. (L.S.)

I, C.D., _____ do hereby accept the above-named sum of £ _____ stock [*or annuities*], and will hold the same subject to the same conditions on which the said transferor held the same.

In witness whereof, I have hereunto set my hand
this _____ day of _____ one thousand
eight hundred and _____

C.D. (L.S.)

THIRD SCHEDULE. [*Enactments repealed* (viz. so much of s. 135 of 18 & 19 Vict. c. 120 as provides that the sewers and works therein mentioned shall be completed on or before the 31st December 1860; so much of s. 183 thereof as relates to the mode of borrowing by the Metropolitan Board of Works, and ss. 184—191 thereof, both inclusive, so far as regards the Metropolitan Board of Works—s. 45 from “and for securing” to end of section, and ss. 46—53, both inclusive, and s. 56 of 20 & 21 Vict. c. cxv.—s. 36 from “and for securing” to end of section, and ss. 37—44, both inclusive, of 20 & 21 Vict. c. cl.—ss. 4—7 and 10—22, all inclusive, and s. 26 of 21 & 22 Vict. c. 104—s. 38 from “and for securing” to end of section, and ss. 39—44, both inclusive, and s. 47 of 21 & 22 Vict. c. xxxviii.—s. 37 and ss. 42—46, both inclusive, of 25 & 26 Vict. c. 93—ss. 19 and 20 so far as regards the Metropolitan Board of Works, and s. 26 of 25 & 26 Vict. c. 102—so much of s. 20 as incorporates s. 37 of 25 & 26 Vict. c. 93; and ss. 22 and 23 of 26 & 27 Vict. c. 45—26 & 27 Vict. c. 68 (the whole Act)—so much of s. 21 as incorporates s. 37 of 25 & 26 Vict. c. 93; and ss. 26, 27, 28, and 29 of 26 & 27 Vict. c. 75—27 & 28 Vict. c. 61 (the whole Act)—s. 31 from “and for securing” to end of section, and ss. 32—39, both inclusive, of 27 & 28 Vict. c. iv.—28 & 29 Vict. c. 19 (the whole Act)—ss. 19, 20, and 21 of 28 & 29 Vict. c. 90—s. 31 from “and for securing” to end of section, ss. 32—39, both inclusive, and s. 42 of 28 & 29 Vict. c. iii.—s. 30 from “and for securing” to end of section, ss. 31—38, both inclusive, and s. 41 of 29 & 30 Vict. c. cl.—31 & 32 Vict. c. 43 (the whole Act)—s. 19 from “and for securing” to end of section ss. 20—26, both inclusive, and s. 29 of 31 & 32 Vict. c. vii.—so much of s. 18 as relates to the mode of borrowing, and ss. 19—22, both inclusive, of 31 & 32 Vict. c. cxi.—so much of s. 28 as incorporates s. 37 of 25 & 26 Vict. c. 93; so

much of s. 29 as relates to the mode of borrowing, and ss. 30—32, both inclusive, of 31 & 32 Vict. c. cxxxv.—so much of s. 25 as relates to the mode of borrowing, and ss. 26—28, both inclusive, of 32 & 33 Vict. c. cxxxiv.) rep. 46 & 47 Vict. c. 39 (S.L.R.).]

CHAPTER 107.

AN ACT TO AMEND THE METROPOLITAN COMMONS ACT, 1866.

[11th August 1869.]

[*Preamble rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Short title.

1. This Act may be cited as “The Metropolitan Commons Amendment Act, 1869.”

Extension of interpretation of term “common” in 29 & 30 Vict. c. 122.

2. The following words shall be added to the interpretation of the term “common” in the third clause of The Metropolitan Commons Act, 1866; namely, “and any land subject to be included under the provisions of the eighth and ninth Victoria, chapter one hundred and eighteen.”*

Extension of right to memorialize.

3. A scheme may be made, under The Metropolitan Commons Act (1866), on a memorial in that behalf presented to the Commissioners† by any twelve or more ratepayers, inhabitants of the parish or parishes in which the metropolitan common is situate, as well as by any such person, persons, or body as is or are described in section six of the said Act.

CHAPTER 115.

AN ACT FOR AMENDING THE LAW RELATING TO HACKNEY AND STAGE CARRIAGES WITHIN THE METROPOLITAN POLICE DISTRICT.

[11th August 1869.]

[*Preamble rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Short title.

1. This Act may be cited for all purposes as “The Metropolitan Public Carriage Act, 1869.”

Limits of Act.

2. The limits of this Act shall be the metropolitan police district, and the city of London and the liberties thereof.

3. [*Commencement of Act (1st January 1870). Rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Definition of stage carriage and hackney carriage.

4. In this Act “stage carriage” shall mean any carriage for the conveyance of passengers which plies for hire in any public street, road, or place within the limits of this Act, and in which the passengers or any of them are charged to pay separate and distinct or at the rate of separate and distinct fares for their respective places or seats therein.

“Hackney carriage” shall mean any carriage for the conveyance of passengers which plies for hire within the limits of this Act, and is not a stage carriage.

Meaning of “prescribed.”

“Prescribed” shall mean “prescribed by order of one of Her Majesty’s principal Secretaries of State.”
[*See also 6 & 7 Vict. c. 86, s. 2.*]

Exemption of certain carriages from operations of Act.

5. A “stage carriage” which on every journey goes to or comes from some town or place beyond the limits of this Act shall not be deemed to be a carriage plying within the limits of this Act.

* *I.e.* the Inclosure Act 1845.

† Now the Board of Agriculture. See note on 29 & 30 Vict. c 102, s. 3.

Licensing Hackney and Stage Carriages.

6. One of Her Majesty's Principal Secretaries of State may from time to time license to ply for hire within the limits of this Act hackney and stage carriages, to be distinguished in such manner as he may by order prescribe. Grant of hackney carriage licences.

Any licence in respect of a hackney or stage carriage under this section may be granted at such price, on such conditions, be in such form, be subject to revision or suspension in such events, and generally be dealt with in such manner as the said Secretary of State may by order prescribe, subject as follows:—

(1.) That a hackney or stage carriage licence shall, if not revoked or suspended, be in force for one year, and there shall be paid in respect thereof to the Receiver of the Metropolitan Police, to be carried to the account of the Metropolitan Police Fund, such uniform sum, not exceeding two pounds two shillings, as the said Secretary of State may prescribe:

(2.) That in any such order provision shall be made for the transfer of a hackney or stage carriage licence to the widow or to any child of full age of any person to whom a hackney or stage carriage licence has been granted who may die during the continuance of such licence leaving a widow or child of full age, and also for the transfer of a hackney or stage carriage licence to the husband of any woman to whom such licence has been granted and who marries during the continuance thereof.

7. If any unlicensed hackney or stage carriage plies for hire, the owner of such carriage shall be liable to a penalty not exceeding five pounds for every day during which such unlicensed carriage plies. And if any unlicensed hackney carriage is found on any stand within the limits of this Act, the owner of such carriage shall be liable to a penalty not exceeding five pounds for each time it is so found. The driver also shall in every such case be liable to a like penalty unless he proves that he was ignorant of the fact of the carriage being an unlicensed carriage. Penalty on use of unlicensed carriage.

Any hackney or stage carriage plying for hire, and any hackney carriage found on any stand without having such distinguishing mark, or being otherwise distinguished in such manner as may for the time being be prescribed by the said Secretary of State, shall be deemed to be an unlicensed carriage.

Licensing Drivers of Hackney and Stage Carriages.

8. No hackney carriage shall ply for hire within the limits of this Act unless under the charge of a driver having a licence from the said Secretary of State, and no stage carriage shall ply for hire within the limits of this Act unless the conductor and driver of such carriage have respectively licences from the said Secretary of State. If any hackney or stage carriage plies for hire in contravention of this section, the person driving the same, and also the owner of such carriage, unless he proves, in the case of a hackney carriage, that the driver, and in the case of a stage carriage, that the conductor or driver, as the case may require, acted without his privity or consent, shall respectively be liable to a penalty not exceeding forty shillings. Hackney carriage to be driven by licensed drivers.

A licence to the driver or conductor of a hackney or stage carriage may be granted at such price, on such conditions, be in such form, be subject to revocation or suspension in such events, and generally be dealt with in such manner as the said Secretary of State may by order prescribe, subject to this provision, that any such licence shall, if not revoked or suspended, be in force for one year, and there shall be paid in respect thereof to the Receiver of the Metropolitan Police, to be carried to the account of the Metropolitan Police Fund, such sum not exceeding five shillings as the said Secretary of State may prescribe. This clause shall not repeal the tenth section of an Act of the sixth and seventh years of the reign of Her present Majesty, chapter eighty-six.

Regulations relating to Hackney and Stage Carriages.

Regulations
as to hackney
and stage
carriages.

9. The said Secretary of State may from time to time by order make regulations for all or any of the following purposes; that is to say,

- (1.) For regulating the number of persons to be carried in any hackney or stage carriage, and in what manner such number is to be shown on such carriage, and how such hackney carriages are to be furnished or fitted:
- (2.) For fixing the stands of hackney carriages, and the distances to which they may be compelled to take passengers, and the persons to attend at such stands: [*See also 6 & 7 Vict. c. 86, ss. 29 and 33; 13 & 14 Vict. c. 7, s. 6; and 16 & 17 Vict. c. 33, s. 12.*]
- (3.) For fixing the rates or fares, as well for time as distance, to be paid for hackney carriages, and for securing the due publication of such fares; provided that it shall not be made compulsory on the driver of any hackney carriage to take passengers at a less fare than the fare payable at the time of the passing of this Act: [*See 16 & 17 Vict. c. 33, s. 4, and c. 127, ss. 13—15.*]
- (4.) For forming, in the case of hackney carriages, a table of distances, as evidence for the purpose of any fare to be charged by distance, by the preparation of a book, map, or plan, or any combination of a book, map, or plan:
- (5.) For securing the safe custody and re-delivery of any property accidentally left in hackney or stage carriages and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time: [*See 16 & 17 Vict. c. 33, s. 11.*]

Subject to the following restrictions:—

- (1.) In fixing the stands for hackney carriages within the city of London and the liberties thereof the consent of the Court of the Lord Mayor and Aldermen shall be required to any stand appointed by the Secretary of State:
- (2.) No hackney carriage shall be compelled to take any passenger a greater distance for any one drive than six miles:
- (3.) During such portion of time between sunset and sunrise as is from time to time prescribed, no driver shall ply for hire unless the hackney carriage under his charge be provided with a lamp properly trimmed and lighted, and fixed outside the carriage in such manner as is prescribed.

This clause shall not repeal section thirteen of the Act of the

fifth and sixth years of the reign of Her present Majesty, chapter seventy-nine,* so far as regards existing carriages or any which may be built within one year after the passing of this Act.

10. Where the Secretary of State is authorized to make any order under this Act, he may annex a penalty not exceeding forty shillings for the breach of such order or of any part or parts thereof, or of any regulation or regulations thereby made; and any penalties under this section shall be deemed to be penalties under this Act, and may be enforced accordingly. Penalties for breach of regulations.

11. Any licence grantable by a Secretary of State under this Act may, if the said Secretary of State so direct, be granted by the Commissioner of the Metropolitan Police, or by such other person as the said Secretary of State appoints for the purpose. Licences by whom to be granted.

12. The said Secretary of State may appoint such officers and constables of the metropolitan police force, and for the city of London of the city police, as he thinks fit to perform any duties required to be performed for the purposes of carrying this Act into execution, and may award such sums by way of compensation for their services out of the monies raised under this Act as he may think just. Powers to carry Act into execution.

Legal Proceedings and Miscellaneous.

13. All penalties under this Act may be recovered summarily in the manner directed by the Act of the session of the eleventh and twelfth years of Her present Majesty, chapter forty-three, and any Act amending the same; and the term "justice" or "justice of the peace" shall include any metropolitan police magistrate sitting alone at a police court or other appointed place, and the Lord Mayor of the city of London or any alderman of the said city sitting alone or with others at the Mansion House or Guildhall. Recovery of penalties.

14. The Commissioner of the Metropolitan Police may cause to be attached to any lamp post any placard or signal for the purpose of carrying into effect the provisions of this Act. Placard, etc. may be affixed to lamp post.

15. The provisions of the Acts relating to hackney carriages and metropolitan stage carriages in force at the time of the commencement of this Act shall, subject to any alteration made therein by this Act or by any order or regulation of the said Secretary of State made in pursuance of this Act, continue in force, and all such provisions of the said Acts as relate to licences granted under those Acts, or any of them, shall, subject to any alteration as aforesaid apply to licences granted under this Act. Existing Acts to continue in force.

CHAPTER CXXXIV.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO WIDEN HAMILTON PLACE, AND TO EXTEND THE SAME INTO AND IMPROVE PARK LANE, IN THE PARISH OF SAINT GEORGE, HANOVER SQUARE, IN THE COUNTY OF MIDDLESEX; AND FOR OTHER PURPOSES. [26th July 1869.]

[*Preamble recites (inter alia) that the Commissioners of Her Majesty's Works and Public Buildings have set back the eastern*

* *I.e.* the Railway Passenger Duty Act 1842.

boundary fence of Hyde Park and widened a portion of Park Lane from its junction with Oxford Street to or towards the termination of the improvement by this Act authorized, and that the Metropolitan Board of Works (in this Act called the Board) are about to construct such works as may be necessary to form and adapt for public traffic the widened portion aforesaid (in this Act called "the northern widening").]*

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Park Lane Improvement Act, 1869."

2. [*Incorporation of Lands Clauses Acts. Spent.*]

3. [*Parts omitted (definitions of "court of competent jurisdiction," "improvement," "street," "sheriff," "the northern widening," and "the parish," and as to meanings of words in Acts incorporated) spent.*]

4—6. [*Board to execute Act—Power to act by committee—Persons interested not eligible for committee. Spent.*]

7. [*Power to the Board to widen Hamilton Place and extend it into Park Lane in the parish of St. George, Hanover Square, and to take lands for such purposes. Spent.*]

No building to be erected in a certain part of the improvement.

8. No erection or building whatever, except an open iron fence on a stone base, which base shall not exceed three feet in height from the surface of the road, shall be erected on the said lands between Hyde Park and the row of houses commencing with Holderness House and extending to Stanhope Gate.

9. [*Power to alter streets. Spent.*]

10. [*Directing how pavements shall be laid, and that the widened and new streets when paved shall be repaired by the vestry of the parish of St. George, Hanover Square,† and that the property therein shall belong to such vestry.*]

11. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same care and management as existing sewers and drains.*]

12. [*Power to alter steps, areas, pipes, etc. Spent.*]

13. [*Ground laid into streets to form part thereof, to be used by public and to be under the management of the said vestry.†]*

14—18. [*Errors and omissions in plans—Power to the Board to sell materials—Power to survey land to be taken—Power to treat for lands—Periods for compulsory purchase of lands limited to 2 and for completion of works to 4 years. Spent.*]

Ways to stables not taken to be made.

19. Such ways and openings shall be made and paved by the Board as shall be necessary to provide convenient access for carriages and foot passengers from Hamilton Place to the stables and coach houses on the east side thereof which may not be taken for the purpose of the works by this Act authorized, and to the backs of the houses Nos. 138, 139, and 140, Piccadilly, and the said ways and openings shall be formed, made, and paved to the satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, and Her Majesty and Her lessees and tenants shall at all times have the use and enjoy-

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the city of Westminster. See 62 & 63 Vict. c. 14, s. 1, and Letters Patent dated the 27th October 1900, and published in the *London Gazette*, 30th October 1900.

ment of such ways and openings either with horses and carriages or without.

20—24. [*As to deficiencies of land tax during works—Power to the Board to sell surplus land—Land not wanted to be sold within 10 years—Receipts of the Board to be effectual discharges—As to expenses of northern widening. Spent.*]

25. [*Borrowing powers. Rep. (so far as relates to the mode of borrowing) 32 & 33 Vict. c. 102, s. 50. Remr. spent.*]

26—28. [*As to the improvement fund under the London Coal and Wine Duties Continuance Acts 1861, and amending Acts. Rep. 32 & 33 Vict. c. 102, s. 50.*]

29. [*Powers of Metropolis Management Acts extended to this Act. Semble Spent.*]

30—31. [*Saving the rights of the Crown.*]

32. [*Expenses of obtaining Act. Spent.*]

33 & 34 VICTORIA. A.D. 1870.

CHAPTER 18.

AN ACT TO PROVIDE FOR THE EQUAL DISTRIBUTION OVER THE METROPOLIS OF A FURTHER PORTION OF THE CHARGE FOR THE RELIEF OF THE POOR.

[20th June 1870.]

[*Preamble rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

1. . . . The provisions of the sixty-ninth section of the Metropolitan Poor Act, 1867, directing the repayment of the expenses incurred for the maintenance of lunatics and insane poor, and of patients in any asylum specially provided under that Act for patients suffering from fever and small pox, shall extend to the expenses incurred for the maintenance of paupers in any other asylum now or hereafter to be provided under the said Act, and to the maintenance of paupers above the age of sixteen years in any workhouse in the metropolis, and the Poor Law Board* shall, by its precept under seal, direct the Receiver of the Common Poor Fund to repay such expenses out of that fund, in the same manner as the expenses specified in that section, subject, nevertheless, to the following provisions :—

Maintenance of in-door poor to be a charge upon the Metropolitan Common Poor Fund.

- (1.) The Poor Law Board* shall certify the maximum number of paupers to be maintained in any workhouse or asylum.
- (2.) No repayment shall be made in respect of a greater number of paupers maintained in any asylum on any one day than will complete the maximum number which such asylum shall have been certified to hold as aforesaid, nor in respect of a greater number of paupers maintained in any workhouse on any one day than will, together with the children under the age of sixteen, if any, maintained therein on the same day, complete the maximum number certified for such workhouse.
- (3.) The amount so repaid in respect of such maintenance shall be at the rate of fivepence per day for each pauper in such workhouse or asylum.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

- (4.) If the guardians of any union or parish, or the managers of any asylum, shall, during any half year ending at Lady Day or Michaelmas respectively, have refused or neglected to comply with any order of the Poor Law Board,* issued under the Poor Law Acts, directing the alteration or enlargement of the workhouse, the provision of proper drainage, sewers, ventilation, fixtures, furniture, surgical and medical appliances, or directing the appointment of any officer, or prescribing the maximum number of paupers to be maintained in any workhouse or asylum, or the classification of such paupers, such guardians or managers shall be deemed to be in default, and the Poor Law Board* may, if they think fit, omit from their precept for such half year, addressed to the Receiver of the Common Poor Fund, the sums which such guardians or the guardians of the unions and parishes comprised in the district to which the asylum belongs, would have been entitled to be repaid under this Act if there had been no such default: Provided that if such guardians or managers shall comply with such order before the termination of the next ensuing half year, it shall be lawful for the Poor Law Board* to include in their precept for that half year the sums so omitted from their precept for the previous half year.

[Words omitted ("From and after the 29th day of September, 1870") rep. 56 & 57 Vict. c. 54 (S.L.R.).]

The main-
tenance of
officers to be
allowed as
part of their
salaries.

Financial
statement of
guardians.

2. The term "salaries of officers," referred to in the said sixty-ninth section of the said Metropolitan Poor Act, shall include the cost of the rations of the officers therein described, according to a scale to be fixed by the Poor Law Board.*

3. Within one month of each audit of the accounts of the board of guardians of any union or parish in the metropolis, such board shall deliver, by post or otherwise, to each vestry† within such union or parish, one or more copies of the financial statement of such guardians, showing the receipts, expenditure, balances, and liabilities for the half-year, as audited.

Construction.
Short title.

4. This Act shall be construed in like manner as the Metropolitan Poor Act of 1867, and shall be termed The Metropolitan Poor Amendment Act, 1870.

CHAPTER 24.

AN ACT FOR MAKING FURTHER PROVISION RESPECTING THE BORROWING OF MONEY BY THE METROPOLITAN BOARD OF WORKS.

[4th July 1870.]

[Preamble rep. 56 & 57 Vict. c. 54 (S.L.R.).]

Short titles
and construc-
tion.

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1870, and shall have effect as one Act with the Metropolitan Board of Works (Loans) Act, 1869, in this Act referred to as the principal Act; and the principal Act and this Act may be cited together as The Metropolitan Board of Works (Loans) Acts, 1869 and 1870.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

† Now the Metropolitan Borough Councils. See 62 & 63 Vict. c. 14, s. 4.

2. [As to composition for stamp duty on transfers of existing stock. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]

3—4. [As to composition for stamp duty on transfers of future stock and of terminable annuities. Rep. by the Stamp Act 1891, s. 123.]

5. In consideration of the provisions for composition in this Act contained, transfers of metropolitan consolidated stock issued or to be issued, and stock certificates in respect thereof, and transfers of metropolitan annuities, are hereby, notwithstanding anything in the principal Act, exempted from stamp duty. [See also the Customs and Inland Revenue Act 1887, ss. 14 and 15.] Exemption of transfers from stamp.

6. [As to composition for stamp duty payable under this Act. Spent.]

7. Section eleven of the principal Act shall have effect as if in paragraph (1.) thereof "transferor" were substituted for "transferee." Amendment of section 11. of former Act.

8. In the event of any Act being passed in the present session of Parliament containing provisions in substitution for The Stock Certificate Act, 1863,* section sixteen of the principal Act shall have effect as if the substituted provisions were referred to in that section in lieu of The Stock Certificate Act,* 1863. [See the National Debt Act 1870, part v.] Alteration of reference as to stock certificates.

CHAPTER XCII.

AN ACT FOR THE ABANDONMENT OF THE AUTHORISED STREET FROM THE THAMES EMBANKMENT BELOW CHARING CROSS RAILWAY BRIDGE TO WELLINGTON STREET, STRAND; AND FOR OTHER PURPOSES. [4th July 1870.]

[Preamble recites that by 31 & 32 Vict. c. cxi. (in this Act referred to as the Embankment Act of 1868) the Metropolitan Board of Works (in this Act called the Board †) were authorised among other things to make a street (No. 4) described in the preamble to the Embankment Act of 1868, and that it is expedient to abandon the making of such street.]

1. This Act may be cited as The Thames Embankment (North) Act, 1870. Short title.

2. The Board shall abandon the making of the said street.

Abandonment of street.

3. [As to compensation in respect of lands abandoned. Spent.]

4. The sections of the Embankment Act of 1868 described in the schedule to this Act by their numbers and marginal notes are hereby repealed. Repeal of sections in schedule.

5. Provided always, that all land authorised to be taken for the purposes of the said street, and forming part of the land referred to in the 23rd section of "The Thames Embankment (North and South) Act, 1868," shall be subject to and included within the provisions of the said section, and shall be accordingly maintained by the Board for the use of the public as a place of recreation, or as ornamental ground; and, except as is by this Act otherwise provided, nothing in this Act contained shall prejudice or affect the For protection of the Adelphi estate.

* Rep. 33 & 34 Vict. c. 69 (S.L.R.).

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

property, rights, or interests of George James Drummond, the owner or reputed owner, or other the owner for the time being, of the Adelphi estate.

6. [*Expenses of executing and obtaining Act. Spent.*]

The SCHEDULE to which the foregoing Act refers.

SECTIONS OF EMBANKMENT ACT OF 1868 REPEALED.

Number.	Marginal note.
Twenty-six . . .	Foot communication from Adelphi.
Thirty . . .	Certain land to be sold to the Marquis of Salisbury.
Thirty-four . . .	Construction of street No. 4 through precinct of Savoy.
Thirty-five . . .	Removal of graves, etc. at Lutheran Chapel.
Thirty-six . . .	Compensation in respect of burial ground.

34 & 35 VICTORIA. A.D. 1871.

CHAPTER 15.

AN ACT TO AMEND THE METROPOLITAN POOR ACT, 1867.

[25th May 1871.]

[*Preamble (reciting 30 & 31 Vict. c. 6) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

The provisions of 30 & 31 Vict. c. 6., etc., applicable to buildings extended to other subjects.

1. . . . All the provisions of the said Act, as amended by the subsequent Act of 1869, which relate to the procuring of any buildings for the purpose of an asylum under that Act shall apply to any ship, vessel, hut, tent, or other temporary erection which may be used by the managers, with the approval of the Poor Law Board,* for the reception of paupers, or otherwise for the purposes of the asylum, whether the same shall have been acquired or used prior to the passing of this Act, or shall be acquired or used hereafter; and such ship, vessel, hut, tent, or other temporary erection shall for all the purposes of the first-mentioned Act be deemed to be an asylum specially provided under it. [*Word omitted ("that") rep. 56 & 57 Vict. c. 54 (S.L.R.). See also 30 & 31 Vict. c. 6, s. 31; and 32 & 33 Vict. c. 63, s. 11.*]

Act incorporated with above-recited Act.

2. This Act shall be construed as and shall be taken to be incorporated with the said Metropolitan Poor Act, 1867.

CHAPTER 47.

AN ACT FOR AMENDING THE ACTS REGULATING THE BORROWING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES RELATING THERETO. [13th July 1871.]

[*Preamble rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Short titles. Act to be construed with Acts herein named.

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1871, and shall be construed and have effect as one Act with The Metropolitan Board of Works (Loans) Act, 1869, in this Act referred to as the principal Act; and the principal Act

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

and The Metropolitan Board of Works (Loans) Act, 1870, and this Act may be cited together as The Metropolitan Board of Works (Loans) Acts, 1869 to 1871.

2. [Definition of "main drainage securities." Spent.]

3—6. [Amendment of provisions respecting main drainage securities. Spent.]

7. [Omission of the word "or" in s. 34 (first line) of the principal Act. Rep. 56 & 57 Vict. c. 54 (S.L.R.).]

8. [Amendment of s. 34 of the principal Act, by substituting consolidated stock for Main Drainage and other securities.]

9. All consolidated stock created before or after the passing of this Act for any of the purposes of section thirty-four of the principal Act shall, notwithstanding anything in the principal Act or this Act, be purchased or redeemed and cancelled within sixty years from the time of the first creation by the Board* of any consolidated stock. Repayment of existing debt within sixty years.

10. [Loans by the Board to restries and district boards. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]

11. [Continuance of limit of borrowing powers. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

12. The books for the transfer of consolidated stock created by the Board* may be closed on any day in the month next preceding that in which the dividends on that stock are payable, but so that the books be not at any time so closed for more than fifteen days; and the persons and bodies corporate who on the day of such closing are inscribed as holders of consolidated stock shall, as between them and their transferees of consolidated stock, be entitled to the dividend thereon becoming payable next after that day; and this section shall have effect in lieu of section twelve of the principal Act. Closing of transfer books for dividend.

13. [Power for trustees to take Metropolitan stock. Rep. by the Trust Investment Act 1889, s. 8. See *ibid.* s. 3 (f).]

14. [S. 3 of the Married Women's Property Act 1870 to apply to Metropolitan stock. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]

15. Any account required by the Main Drainage Acts to be opened in the books of . . . the Bank of England, and any account required by any other Act or by the Treasury to be so opened for any purpose connected with the duties of the Board,* shall, if the Treasury so direct, be opened and kept under the official designations of the Permanent Secretary of Her Majesty's Treasury and the Chairman of the Metropolitan Board of Works* for the time being, jointly; and on a vacancy in the office of either of those officers, the balance remaining to the credit of any such account shall vest in his successor in office jointly with the other, and during the vacancy shall not be disposed of by the other, and in case of a vacancy by death shall not constitute assets of the deceased or be in any manner subject to the control of his legal representatives; and the Treasury shall from time to time direct in what manner any such account shall be drawn on, and what evidence of the title of any person to draw thereon shall be sufficient; and . . . the Bank of England are hereby indemnified in respect of anything done or permitted under this section. [Words omitted ("the Governor and Company of" rep. 56 & 57 Vict. c. 54 (S.L.R.).] Description of accounts at Bank of England for main drainage and other purposes.

16. [As to the annual report of the Board under 18 & 19 Vict. c. 120, s. 200. Rep. 56 & 57 Vict. c. 54 (S.L.R.).]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (s).

17. [As to loans to the managers of the metropolitan asylum district. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]

18. [Appointment of auditor of accounts of the Board. Rep. 56 & 57 Vict. c. 54 (S.L.R.).]

CHAPTER LVII.

AN ACT TO CONFIRM A SCHEME UNDER "THE METROPOLITAN COMMONS ACT, 1866," RELATING TO BLACKHEATH.

[29th June 1871.]

[Preamble recites that the Inclosure Commissioners for England and Wales have, in pursuance of "The Metropolitan Commons Act, 1866," duly certified a scheme for the establishment of local management with respect to Blackheath, situate in the parishes of Greenwich and Lewisham, in the county of Kent.*] [Be it enacted]

Modified
scheme as to
Blackheath
certified by
Inclosure
Commis-
sioners
confirmed.

1. That the scheme for the establishment of local management with respect to Blackheath, situate in the parishes of Greenwich and Lewisham, in the county of Kent,* certified by the Inclosure Commissioners for England and Wales under their seal on the third day of November one thousand eight hundred and seventy, be modified by the omission in clause 14 of the scheme of the words "by clause 6 of the Metropolitan Commons Act, 1866, inasmuch as the improvement of the Heath and the prevention of nuisances thereon and other purposes of a like nature cannot be carried out without in some small degree interfering with such rights, but such interference will be beneficial to such rights and the persons entitled thereto respectively, and no such rights are taken away or injuriously affected," the lords of the manors of Lewisham and East Greenwich having consented to such modification, and that the said scheme so modified be hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

Short title.

2. This Act may be cited for all purposes as "The Metropolitan Commons Supplemental Act, 1871."

† SCHEME with respect to Blackheath.

1. Blackheath hereinafter called "the Heath" in the county of Kent* as the same is delineated in a plan deposited with the Inclosure Commissioners† for England and Wales shall henceforth for all the purposes of this scheme be regulated and managed by the Metropolitan Board of Works hereinafter termed the "Board."‡

2. [Power to appoint officers and as to expenses of executing scheme. Superseded by the Municipal Corporations Act 1882, ss. 19 and 20 (see Appendix), and 51 & 52 Vict. c. 41, s. 75.]

3. The Board may execute any works of drainage and improvement of the Heath so far only as may be required for the purposes of the Metropolitan Commons Act and shall preserve the turf gorse fern and grass and for this purpose may enclose by fences for short periods such portions as may require rest to revive the same and may take all necessary steps for preserving the trees

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† This Scheme is not, as in other cases, printed with the confirming Act, but is set out here for convenience of reference.

‡ Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

§ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

in Chesterfield Walk and elsewhere on the Heath and may lop and remove any trees that may be dead or dangerous and may plant any young trees in their places and may plant or otherwise beautify such of the gravel pits as are situate at the north-east corner of the Heath and are numbered 1 2 and 3 on the said plan and the gravel pit situate at the south-west corner of the Heath and numbered 4 on the said plan but no trees shall be planted in such pits so as to intercept the view across the Heath and may also plant or otherwise beautify such outlying portions of the Heath as may appear to them suitable but shall do nothing that shall otherwise alter or vary the natural features or aspect of the Heath.

4. The Board shall maintain the Heath as delineated in the plan deposited with the Inclosure Commissioners * free of all encroachment and shall permit no trespass on or partial or other enclosure of any part thereof and no fences posts rails or other matters or things shall be maintained fixed or erected thereon without the consent in writing of the Board but the Board shall fence off and protect all such parts and places as may from time to time be dangerous.

5. [*As to byelaws. Superseded 40 Vict. c. viii. ss. 3, 4, and 10 : 53 & 54 Vict. c. cxxliii. ss. 14-21 : and 61 & 62 Vict. c. cxxxi. s. 61.*]

6. Except for those persons who now by law are entitled to do so, it shall not be lawful without the consent of the Board in writing to turn out on the Heath for grazing any cattle sheep or other animal.

7. [*As to byelaws. Note to clause 5 applies.*]

8. Except for the owner or owners for the time being of the soil, it shall not be lawful without the consent in writing of the Board to form build or lay any sewer drain pipe waterway or other matter of like nature in into or under any part or parts of the Heath.

9. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Heath under the care of the Board or shall prevent the Board of Works of Greenwich † and Lewisham † by their officers and servants taking such portions of the Heath as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make but it shall not be lawful for either of the said Boards † or any other person or persons to make or form any new roads over and across the Heath without the consent in writing of the Board.

10. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875-1904.*]

11. [*As to penalties under Scheme and byelaws. Note on clause 5 applies.*]

12. [*Proceedings for convictions not to be quashed for want of form.*]

13. Saving always to all persons and bodies politic and corporate and their respective heirs successors executors and administrators all such estates interests or rights of a profitable or beneficial nature in over or affecting the Heath or any part thereof as they or any of them had before the confirmation of this Scheme by Act of Parliament or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament.

14. The lords of the manors of Lewisham East Greenwich and West Combe claim the soil and freehold of so much of the Heath as lies within their respective manors, and all timber and timber-like trees and the minerals (including gravel) under the same. The tenants of the said manors claim the right of cutting heather furze underwood and turf for fuel and of digging gravel under certain restrictions. This Scheme affects the rights over Blackheath so claimed as aforesaid only so far as is absolutely necessary for the purposes contemplated by this Scheme. The lords of the manors of Lewisham and East Greenwich consent to their rights being affected in the manner and to the extent herein expressed. The consent of the lord of the manor of West Combe has not been received. The Inclosure Commissioners although public notice requesting all who claimed rights to appear at a sitting was duly given have no means of ascertaining whether the tenants of the manors consent or not.

15. Printed copies of this Scheme shall at all times be sold at the office of the Board to all persons desiring to buy the same at a price not exceeding sixpence each.

* Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

† Now the Councils of the Metropolitan Boroughs of Greenwich and Lewisham. See 62 & 63 Vict. c. 14, ss. 4 and 31.

The Inclosure Commissioners for England and Wales pursuant to the provisions of "The Metropolitan Commons Act 1866" hereby certify the above written Scheme.

In witness whereof they the said Inclosure Commissioners have caused their official seal to be hereunto affixed this third day of November one thousand eight hundred and seventy.



CHAPTER LXIII.

AN ACT TO CONFIRM A SCHEME (SHEPHERD'S BUSH) UNDER "THE METROPOLITAN COMMONS ACT, 1866." [29th June 1871.]

[Preamble recites that the Inclosure Commissioners for England and Wales have, in pursuance of "The Metropolitan Commons Act, 1866," duly certified a scheme for the establishment of local management with respect to Shepherd's Bush Common, situate in the parish of Hammersmith in the county of Middlesex.] [Be it enacted]*

Scheme as to
Shepherd's
Bush
Common
certified by
Inclosure
Commis-
sioners
confirmed.

1. That the scheme for the establishment of local management with respect to Shepherd's Bush Common, situate in the parish of Hammersmith in the county of Middlesex,* certified by the Inclosure Commissioners for England and Wales under their seal on the ninth day of May one thousand eight hundred and seventy-one, and contained in the schedule hereunto annexed, be hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

Short title.

2. This Act may be cited for all purposes as "The Metropolitan Commons Second Supplemental Act, 1871."

SCHEDULE.

SCHEME WITH RESPECT TO SHEPHERD'S BUSH COMMON.

1. Shepherd's Bush Common, herein-after called "the Common," in the county of Middlesex,* as the same is delineated in a plan deposited with the Inclosure Commissioners for England and Wales,† shall henceforth for all the purposes of this scheme be regulated and managed by the Metropolitan Board of Works, herein-after termed "the Board."‡

2. *[Power to appoint officers—Expenses of executing scheme. Superseded by the Municipal Corporations Act 1882, ss. 19 and 20 (see Appendix); and 51 & 52 Vict. c. 41, s. 75.]*

3. The Board may execute any works of drainage and improvement of the Common, so far only as may be required for the purposes of the Metropolitan Commons Act, and shall preserve the turf and grass, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and may plant or otherwise beautify the Common.

4. The Board shall maintain the Common, as delineated in the plan deposited with the Inclosure Commissioners,† free of all encroachment, and shall permit no trespass on, or partial or other inclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board.

5. *[As to byelaws. Superseded 40 Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. cxxliii. ss. 14—21; and 61 & 62 Vict. c. cxxxi. s. 61.]*

6. Except for those persons who now by law are entitled to do so, it shall not be lawful, without the consent of the Board in writing, to turn out on the Common for grazing any cattle, sheep, or other animal.

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

7. [*As to byelaws. Note on clause 5 applies.*]

8. Except for the owner or owners for the time being of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature, in, into, or under any part or parts of the Common.

9. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Common under the care of the Board, or shall prevent the Board of Works for the Fulham district,* by their officers and servants, taking such portions of the Common as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make; but it shall not be lawful for the said Board, or any other person or persons, to make or form any new roads over and across the Common without the consent in writing of the Board.

10. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875—1904.*]

11. [*As to penalties. Note on clause 5 applies.*]

12. [*Proceedings not to be quashed for want of form. See 40 & 41 Vict. c. cci. 2nd Schedule, Par. 12.*]

13. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting the Common or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament.

14. The lords of the manor of Fulham claim the soil and freehold of the common and the minerals under the same. All the occupiers of property adjoining the Common, including the tenants of the manor, claim to exercise rights of common of pasturage over the tract.

This Scheme affects the rights over the Common, so claimed as aforesaid, only so far as is absolutely necessary for the purposes contemplated by this Scheme. The lords of the manor and others who claim rights over the Common assent to their rights being affected in the manner and to the extent herein expressed.

15. Printed copies of this scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding sixpence each.

The Inclosure Commissioners for England and Wales, pursuant to the provisions of "The Metropolitan Commons Act, 1866," hereby certify the above-written scheme.

In witness whereof they (the said Inclosure Commissioners) have caused their official seal to be hereunto affixed, this ninth day of May one thousand eight hundred and seventy-one.

(L.S.)

CHAPTER LXXVII.

† AN ACT FOR EFFECTING A TRANSFER TO THE METROPOLITAN BOARD OF WORKS OF THE OPEN SPACE KNOWN AS HAMPSTEAD HEATH, AND FOR ENABLING THEM TO PRESERVE, IMPROVE, AND REGULATE THE SAME; AND FOR OTHER PURPOSES.

[29th June 1871.]

[*Preamble recites that it would be to the great advantage of the inhabitants of the metropolis if Hampstead Heath (in this Act called the Heath) were always kept unbuilt on, and were for that purpose vested in the Metropolitan Board of Works (in the Act called the Board ‡).*]

1. This Act may be cited as The Hampstead Heath Act, 1871. Short title.

* Now the Council of the Metropolitan Borough of Hammersmith. See 48 & 49 Vict. c. 33, s. 3; and 62 & 63 Vict. c. 14, s. 4.

† See also 50 Vict. c. xli., and 51 & 52 Vict. c. cli.

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

2—3. [*Incorporation of Lands Clauses Acts—Deposit of plan with the Clerk of the Peace of Middlesex.*]

Effect of
schedules.

4. The schedules to this Act shall have effect as part of this Act.

Extent of
provisions as
to Sir J. M.
Wilson and
Mr. Wilson.

5. The provisions of this Act relating to Sir John Maryon Wilson and Spencer Maryon Wilson shall extend to each of them, their and each of their heirs and assigns.

Direction for
transfer by
Sir John
Maryon
Wilson and
Mr. Wilson.

6. Subject to the terms and conditions in this Act expressed, Sir John Maryon Wilson and Spencer Maryon Wilson shall convey to the Board, in consideration of the sum of forty-five thousand pounds, the Heath as described in the first schedule to this Act, with all trees, shrubs, gorse, and plants growing or being thereon, and all mines and minerals therein or thereunder, and all the rights, members, and appurtenances thereof or belonging thereto, for all the estate and interest therein which are vested in or belong to Sir John Maryon Wilson and Spencer Maryon Wilson.

7—11. [*As to delivery of abstract of title—Payment of purchase money and conveyance—Time of possession and receipt of profits—Interest in case of non-completion—Payment of costs and expenses of conveyance. Spent.*]

Heath to be
kept open.

12. Subject to the provisions of this Act, the Board shall for ever keep the Heath open, uninclosed, and unbuilt on, except as regards such parts thereof as are at the passing of this Act inclosed or built on, and shall by all lawful means prevent, resist, and abate all encroachments and attempted encroachments on the Heath, and protect the Heath, and preserve it as an open space, and resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof.

Prohibition of
alienation,
etc.

13. It shall not be lawful for the Board to sell, lease, grant, or in any manner dispose of any part of the Heath.

Prohibition of
sale of turf,
gravel, etc.

14. The Board shall not cut turf, or dig gravel, mould, or soil, or fell or cut gorse, heather, timber or other trees, shrubs, or brushwood on the Heath for profit.

Power to
drain, etc.

15. The Board shall by virtue of this Act have the following powers; (namely,)

To drain, level, and improve the Heath, as far only as may be in their judgment from time to time requisite, with a view to the use thereof for purposes of health and unrestricted exercise and recreation :

To plant trees and shrubs on the Heath for purposes of shelter or ornament, and to make temporary inclosures for the protection thereof.

Preservation
of turf, etc.

16. The Board shall at all times preserve, as far as may be, the natural aspect and state of the Heath, and to that end shall protect the turf, gorse, heather, timber and other trees, shrubs, and brushwood thereon.

Inclosure and
planting of
specified parts
of Heath.

17. Within one year after the passing of this Act, the Board shall, at their own expense, in a proper manner, inclose and plant as ornamental grounds the two portions of the Heath secondly described in the first schedule to this Act, and marked C. and D. on the deposited plan, and shall for ever at their own expense maintain and keep the same as ornamental grounds in good order and condition.

Power to
build Heath
keepers
lodges, etc.

18. Notwithstanding anything in this Act, the Board may erect from time to time on the Heath, and maintain, such convenient or ornamental buildings, of an elevation of not more than twenty feet

in any case, as they think requisite for the accommodation of Heath keepers, constables, or other officers, or for other public or useful purposes. [See also 50 & 51 Vict. c. cvi. s. 50; 58 & 59 Vict. c. cxxviii. s. 45.]

19. [As to making a road 60 feet wide over the strip of land marked H. and coloured brown on the deposited plan. Spent.]

20. Sir John Maryon Wilson and Spencer Maryon Wilson shall be at liberty at any time, at their own expense, with proper materials and in a proper manner, to the satisfaction of the Board, to convert the driftways or footways coloured brown, and marked E. and F. and G. on the deposited plan, or any or either of them, into public roadways of the width of 60 feet each, and fit for the use of carts, waggons, and carriages; but any such roadway shall be planted with trees along both sides thereof at the expense of the person making the same, and to the satisfaction of the Board, and the trees shall belong to and be kept up by the Board.

Power to make roads

21—24. [As to byelaws. Superseded 40 Vict. c. viii. ss. 3, 4, and 10. See also 53 & 54 Vict. c. cexliii. ss. 14—21; and 61 & 62 Vict. c. cxxxi. s. 61.]

25. [Appointment of officers. Superseded 53 & 54 Vict. c. cexliii. s. 17.]

26. For purposes of enactments empowering the Metropolitan Police, the Heath shall be deemed a place of public resort, and the powers and duties of the Metropolitan Police in relation to the public safety and the preservation of order and protection of property shall extend to the Heath and to buildings and structures thereon, but nothing in this section shall extend the liability to police rates to any property that would not have been liable thereto if this Act had not been passed.

Powers and duties of police over Heath.

27—28. [Arrest of transient offenders and penalty for assaulting constables. Superseded 53 & 54 Vict. c. cexliii. s. 18, and Schedule B. paragraph 33.]

29. The piece of land coloured yellow on the deposited plan shall go, remain, and be as if no agreement for sale of the Heath to the Board had been made and this Act had not been passed, save that the same shall be by virtue of this Act absolutely freed and discharged from all rights of common, commonable rights, rights of way, and other rights, estates, interests, and privileges in, over or affecting the Heath, or the wastes of the manor of Hampstead; but the Board shall make full compensation in respect of any such right, estate, interest, or privilege, if and when the same is claimed, the title to and amount of such compensation to be ascertained and determined subject and according to the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

Provision in respect of land coloured yellow on deposited plan.

30. Subject to the provisions of this Act and the provisions incorporated with this Act, the Board may from time to time, after the conveyance of the Heath to the Board, purchase by agreement all such rights of common, commonable rights, rights of way, and other rights, estates, interests, and privileges in, over, or affecting the Heath, as they think it requisite to acquire for the better execution of this Act, and for that purpose every such right, estate, interest, or privilege shall be deemed lands.

Power to purchase commonable rights, etc.

31. When the Board have purchased under this Act any right of common, commonable right, right of way, or other right, estate,

Power to extinguish rights of

common, etc.
when pur-
chased.

interest, or privilege in, over, or affecting the Heath, they may, as they think most expedient, with a view to securing the free use of the Heath by the public for purposes of exercise and recreation, and the better execution of this Act, either extinguish the same, or retain, hold, and exercise the same wholly or partially.

Power to
limit rights of
common by
agreement,
etc.

32. The Board in any case, if they think fit, instead of purchasing wholly any right of common, commonable right, right of way, or other right, estate, interest, or privilege in, over, or affecting the Heath, may by agreement purchase the same partially, or purchase a right to impose limitations or restrictions on the same, and otherwise to regulate the exercise and enjoyment thereof, and may from time to time exercise all such powers as are conferred on them by any such agreement.

Power to
purchase or
accept lands
formerly part
of Heath, etc.

33. The Board may from time to time purchase by agreement, subject and according to the provisions incorporated with this Act, or accept a grant of and hold any land unbuilt on, having been or reputed to have been formerly part of the Heath, and any such land when vested in the Board shall for the purposes of this Act be deemed part of the Heath, and the Board may from time to time, with respect to any land having been or reputed to have been formerly part of the Heath, accept for a valuable consideration or otherwise from the owner of or person holding the same a covenant against building thereon, and may from time to time enforce any such covenant.

Notice of
proceedings
at courts,
and protest
by Board.

34. Nothing shall be done affecting the Board or the Heath at any court of the manor of Hampstead without previous notice in writing to the steward of the manor, and on receipt of any such notice the steward shall communicate the same to the Board, and the Board shall thereupon be entitled, if they think fit, by an agent appointed in this behalf, by writing under their seal, to attend at the court to which the notice relates, and to protest against anything there proposed that would affect them or the Heath, and any such protest shall be entered on the rolls of the court.

Power to
take pro-
ceedings as
commoners.

35. The Board shall be capable of taking, and may from time to time, if they think fit, with a view to the protection and preservation of the Heath, take any such proceedings as a person having a right of common on the Heath or any part thereof is capable of taking, and for that purpose the Board shall have all the rights, powers, and remedies of a person having such a right of common.

Saving for
rights of
common.

36. Nothing in this Act (except the provisions respecting the piece of land coloured yellow on the deposited plan) shall take away or prejudicially affect any right of common, commonable right, right of way, or other right, estate, interest, or privilege in, over, or affecting the Heath, and every such right, estate, interest, or privilege shall be and remain in all respects as if this Act had not been passed.

37. [*Power to the Board to apply existing funds to the purposes of the Act. Spent.*]

38. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875—1904.*]

Act not to
confer in-
terest, etc.,
and saving
for Board.

39. Nothing in this Act (except the provisions respecting the piece of land coloured yellow on the deposited plan) shall confer, enlarge, or confirm on, in, or to any person, or on, in, or to any corporation, company, or body other than the Board, any right,

estate, interest, or privilege in, over, or affecting the Heath, and nothing in this Act shall take away, abridge, or prejudicially affect any right, power, or authority that the Board, or any officer or servant of the Board, or any constable, would have enjoyed or might have exercised if this Act had not been passed.

40. Nothing in this Act shall authorise any company, body, or person, or any parochial or other authority, to put up at any time any building or structure on the Heath, either on the parts thereof heretofore usually covered with water or elsewhere. [See s. 18.]

Restraint on building by companies, etc.

41. Nothing in this Act shall enable the Board, unless with the previous consent in writing of the Ecclesiastical Commissioners for England under their common seal, and of Thomas Spencer Wells, Esquire, respectively (in which expressions are included the owners for the time being of the lands to which this section relates), to take or interfere with the access to the Heath by the said Commissioners and the said Thomas Spencer Wells, and their respective tenants, by means of certain gates shown on a plan verified in triplicate by the signatures of Henry Shrubsole on behalf of the Board, and of Messrs. White, Borrett, & Co. on behalf of the said Commissioners and of the said Thomas Spencer Wells, or shall enable the Board to take or interfere with the use by the said Commissioners and the said Thomas Spencer Wells, and their respective tenants, of the road or public way on the Heath leading from Telegraph Hill to Golder's Hill, and the access to the said road from the said gates.

For protection of T. S. Wells and others.

42. The Board shall not, otherwise than by agreement with the provost of the College Royal of the Blessed Mary of Eton, near unto Windsor in the county of Bucks, commonly called the King's College of Our Blessed Lady of Eton, nigh or by Windsor in the said county of Bucks, and the same college, their successors, lessees, and undertenants, take or in any manner interfere with the road which, as appears by the deposited plan, leads out of the public highway called the Spaniard's Road in a north-westerly direction for a distance of 250 yards or thereabouts, and then runs in a south-westerly direction for a distance of 400 yards or thereabouts along or near to part of the boundary of an estate called Wyld's Estate, belonging or reputed to belong to the said provost and college, situate in the parish of Hendon in the county of Middlesex, and then, running in a south-easterly direction for a distance of 150 yards, leads into the public highway at North End in the parish of Hampstead, nor otherwise than by agreement as aforesaid take or in any manner interfere with the soil of the said road or any part thereof, or any of the approaches thereto from the said Wyld's estate, or any right of way over or along the said road or any part thereof; and for the purposes of this provision the said road shall be deemed to include the entire space lying between the said road and the boundary of Wyld's estate, and also a branch of the said road leading to a well outside the boundary of Wyld's estate, and near to the farmhouse called the Heath Farmhouse on the said estate.

For protection of Eton College.

43. Nothing in this Act shall authorise the Board, without the consent in writing of the mayor and commonalty and citizens of the city of London, and of the governor and company of the New River,* to take, acquire, or in any way interfere with any of the ponds, pipes, rights, powers, and privileges of the same corporation

For protection of New River ponds, etc.

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

and company, or either of them, or to divert, abstract, or diminish the quantity of water flowing into those ponds at the passing of this Act.

44. [*As to compensation to the North Metropolitan Railway. Spent.*]

45. [*Differences respecting any provision of the Act arising between the Board and Sir John Mayson Wilson and Spencer Mayson Wilson, Eton College, the City Corporation, the New River Company,* the Ecclesiastical Commissioners for England, Thomas Spencer Wells, or the North Metropolitan Railway Company to be referred to arbitration.*]

46. [*Expenses of obtaining Act. Spent.*]

THE SCHEDULES.

THE FIRST SCHEDULE.

Description of Heath.

1. All that portion of the waste lands of the manor of Hampstead, called Hampstead Heath, shown on the deposited plan by being coloured red.

2. All those two other portions of the waste lands of the same manor, shown on the same plan by being coloured red, and being respectively surrounded by a line coloured brown, and being respectively marked C. and D.

3. All those pieces of land usually covered with water, being other portions of the same waste lands or of the soil of the same manor shown on the same plan by being coloured blue, and respectively marked A. and B. and B.

4. All those four strips of land, other portions of the same waste lands, shown on the same plan by being coloured brown, and being respectively marked E. and F. and G. and H. (the strip of land marked H. being the site of a road intended to be made to the northward of Telegraph Hill).

THE SECOND SCHEDULE.

[*Conditions respecting title and conveyance. Spent.*]

CHAPTER CXXIX.

AN ACT TO MAKE BETTER PROVISION FOR THE DRAINAGE OF HORNSEY IN THE COUNTY OF MIDDLESEX; AND FOR OTHER PURPOSES RELATING THERETO. [13th July 1871.]

[*Preamble recites (inter alia) that for the purposes of the Local Government Act 1858† a portion of the parish of Hornsey was formed into a district called the Hornsey District, the local government of which was vested in the Hornsey Local Board‡; and also recites that the Metropolitan Board of Works have agreed with the Hornsey Local Board that the sewage matter of the district shall be allowed to pass into the main drains of the Metropolitan Board of Works upon certain terms.*]

Preliminary.

Short title.

1. This Act may be cited for all purposes as The Hornsey Local Board Act, 1871.

Interpretation of terms.

2. The expression The Local Government Acts in this Act shall mean the Public Health Act,† 1848, and the several Acts‡ amending the same, and the Local Government Act, 1858,† and the several Acts‡ amending the same.

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

† Rep. by the Public Health Act 1875, s. 343.

‡ Now the Mayor, Aldermen, and Burgesses of the Municipal Borough of Hornsey.

3. [*Incorporation of Lands Clauses Acts. Spent.*]

4. Subject to the provisions of this Act the Hornsey Local Board * Power to make sewer according to deposited plans. may make and maintain, in the lines and situations and according to the levels shown on the deposited plans and sections, the sewers and other works in this Act described, and all proper and necessary outfalls, sluices, flood gates, catch-water drains, banks, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The works by this Act authorised are,—

A sewer to be wholly situate in the parishes of Stoke Newington and Hornsey in the county of Middlesex,† and to commence at or near a point in Tottenham Lane, and terminating by a junction with the northern high-level sewer of the Metropolitan Board of Works ‡ at a point in the Manor Road in the said parish of Stoke Newington.

5. The works by this Act authorised shall be constructed and maintained by and at the expense of the Hornsey Local Board * to the satisfaction in all respects of the engineer for the time being of the Metropolitan Board of Works.‡ Works to be constructed and maintained to satisfaction of Metropolitan Board of Works.

6. With respect to the lands or property of the Metropolitan Board of Works ‡ which the Hornsey Local Board * are by this Act authorised to use, enter upon, or interfere with, the Hornsey Local Board * shall not purchase or take the same, but they shall have an easement or right of using the same for the purposes of but subject to the provisions of this Act. To acquire easements only as regards lands, etc. of the Metropolitan Board of Works.

7. [*As to line of sewer through the prebendal manor and estate of Stoke Newington. Not affecting London.*]

8. [*Sewer to be made of such diameter as Metropolitan Board of Works shall require. Spent.*]

9—16. [*Mode of construction of the sewer through the prebendal manor—Provisions as to construction and maintenance of works by the Hornsey Local Board.* Not affecting London.*]

17. Subject to the provisions of this Act, the Metropolitan Board of Works ‡ shall permit and suffer the sewage of the Hornsey district to be emptied into the northern high-level sewer, and shall do all acts, matters, and things necessary for securing and maintaining proper and sufficient openings in the said sewer, and maintaining free communication with such sewer and the sewers within the said district. Metropolitan Board of Works to admit into northern high-level sewer sewage of Hornsey district.

18. The Hornsey Local Board * shall not, without the consent of the Metropolitan Board of Works,‡ permit or suffer any district or place beyond the area under the jurisdiction of the Metropolitan Board of Works,‡ other than the Hornsey district, to drain into or otherwise to be connected with any sewer or sewers for the time being of the Hornsey Local Board * which may discharge into the said northern high-level sewer, and no such other district or place shall have any such power, notwithstanding any powers in any general Act to the contrary. Only sewage of Hornsey district to pass into said high-level sewer.

19. The Hornsey Local Board * shall so far as is practicable prevent the storm waters of their district from flowing into the sewers within the said district and thereby into the said northern high-level sewer. Storm waters so far as possible to be excluded from sewer.

* Now the Mayor, Aldermen, and Burgesses of the Municipal Borough of Hornsey.

† Now partly in the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Limiting amount of sewage to be discharged into high-level sewer.

20. Provided always, that the sewage to be delivered under this Act into the said high-level sewer shall not exceed five hundred cubic feet per minute, measured at the boundary of Hornsey parish, and if that quantity be at any time exceeded the Metropolitan Board of Works * shall have full power and authority to alter and reduce the outlet so as to limit the discharge to the before-mentioned quantity, and the Hornsey Local Board † shall permit the engineer and other officers of the Metropolitan Board of Works * from time to time to have access to the works by this Act authorised, and to alter and reduce as aforesaid the said outlet.

21. [*Hornsey Local Board within 12 months from the passing of the Act to pay the Metropolitan Board of Works £10,000 towards the cost of making and maintaining northern high-level sewer. Spent.*]

22—29. [*Powers to the Hornsey Local Board † to make a special drainage rate to defray the expenses of construction of works and obtaining Act and provisions with reference thereto. Not affecting London.*]

30. [*Contributions by Hornsey Local Board towards costs of main drainage system. Rep. 35 & 36 Vict. c. clxiii. s. 57.*]

Main drainage rates to be made for payment of contributions.

31. For the purpose of raising the moneys by this Act directed to be paid to the treasurer of the Metropolitan Board of Works * by way of contribution to the costs incurred by the said Board in respect of their main drainage system, the Hornsey Local Board † may in each year make and levy a rate, to be called the "Main Drainage Rate," upon the owner and occupier of all kinds of property within their district for the time being assessable under the Local Government Acts to the general district rates which they are authorised to make under the said Acts, and may make, levy, collect, and recover the same as part of any general district rate, and the several powers and provisions of the Local Government Acts with respect to the making, levying, collection, and recovery of the general district rates, and with respect to exemptions and limitations, shall extend and apply to the main drainage rates under this Act: Provided always, that the said Local Board shall not levy in any one year main drainage rates exceeding the amount required for the payment of the moneys payable in each year to the said treasurer. [*Amended 35 & 36 Vict. c. clxiii. s. 57. See also the Hornsey Drainage Scheme 1901, made under 62 & 63 Vict. c. 14.*]

Power to Metropolitan Board of Works to levy rate in case of default.

32. In case of any default or neglect of the Hornsey Local Board † in any year to pay the amount which by this Act is directed to be paid by such Board within the time specified in such notice, the said Metropolitan Board of Works * may appoint persons to levy on the Hornsey district the amount to be paid to such Board in such year in pursuance of the provisions of this Act, and such persons shall proceed in the same manner, and have the same powers, remedies, and privileges, and be subject to the same regulations with reference to the levying of such money, as any person duly appointed by such Board for such purpose would have had or been subject to. [*Amended 35 & 36 Vict. c. clxiii. s. 57.*]

Provisions of pending Bill extended to Hornsey district.

33. Whereas a Bill is pending in Parliament, intituled A Bill for amending the Acts regulating the Borrowing of Money by the Metropolitan Board of Works, and for other Purposes: Therefore if the said Bill should pass into law the several provisions thereof, so

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the Mayor, Aldermen, and Burgesses of the Municipal Borough of Hornsey.

far as they are applicable, shall extend to and be in force within the district of the Hornsey Local Board.* [See 34 & 35 Vict. c. 47, and 35 & 36 Vict. c. clxiii. s. 53.]

34—37. [Act not to affect powers of the Hornsey Local Board to make rates under the Local Government Acts—Provisions relating to the Hornsey Local Board for the protection of the New River Company† and the Great Eastern Railway Company. Not affecting London.]

38. Nothing in this Act contained shall extend or be construed to extend to alter, abridge, or take away any of the rights, powers, and privileges of the Metropolitan Board of Works.‡

Saving rights of Metropolitan Board of Works.

39. [Costs of obtaining Act. Not affecting London.]

CHAPTER CLXXXI.

§ AN ACT FOR VESTING THE MANAGEMENT OF THE OPEN SPACE KNOWN AS WANDSWORTH COMMON IN THE COUNTY OF SURREY IN A BODY OF CONSERVATORS, WITH A VIEW TO THE PRESERVATION THEREOF; AND FOR OTHER PURPOSES. [31st July 1871.]

[Preamble recites (inter alia) that there is in the county of Surrey and in the parishes of Battersea and Wandsworth an open space of large extent uninclosed and unbuilt on known as Wandsworth Common (in this Act referred to as the Common) and that the Common is situate within and is or is alleged to be part of the wastes of the manor of Battersea and Wandsworth, and that the Right Honourable John Poyntz, Earl Spencer (in this Act referred to as Earl Spencer) is or claims to be entitled in fee simple in possession to that manor; and that it is expedient that provision be made for the transfer from Earl Spencer of his estate in the Common to a body of Conservators to preserve the same for public use.]

1. This Act may be cited as the Wandsworth Common Act, Short title. 1871.

2. [Incorporation of the Commissioners Clauses Act 1847, except the parts set out in the first schedule. Superseded by 50 & 51 Vict. c. cvi. ss. 25—29.]

3. In this Act,

“The deposited plan” means the plan deposited for the purposes of this Act with the Clerk of the Peace for the County of Surrey:

Interpretation.

“Person” includes corporation aggregate or sole.

[Part omitted (definitions of “the Secretary of State for the Home Department” and “the First Commissioner of Works”) spent.]

4. For the purposes of this Act the Common shall be taken to be the open space known as Wandsworth Common, as shown on the deposited plan and thereon coloured green. Description of Common.

5. Within one month after the passing of this Act, and before exercising any of the powers conferred on them by this Act, the Conservators shall deposit with the Clerk of the Peace for the

Custody of plan under 1 W. 4. and 1 Vict. c. 83.

* Now the Mayor, Aldermen, and Burgesses of the Municipal Borough of Hornsey.

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

§ See also 50 & 51 Vict. c. cvi. ss. 25—27.

¶ Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

County of Surrey one duplicate of the plan authenticated as aforesaid, and the same shall be within the provisions of the Act passed in the first year of Her Majesty's reign (chapter 83), "to compel Clerks of the Peace for Counties and other Persons to take the Custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament," in like manner as if the same had been deposited with the Clerk of the Peace in such a case as is provided for by that Act, and the other duplicate of that plan shall be retained by the Conservators, and shall be admissible and be received in evidence for all purposes of this Act on production by the Conservators or their officer.

Schedules to
be part of
Act.

6. The schedules to this Act shall be deemed part of this Act.

7—29. [*Incorporation, appointment, election, and meetings of Conservators. Superseded 50 & 51 Vict. c. cxi. ss. 25—29.*]

Vesting of
Common in
Conservators.

30. The Common, with the buildings and inclosures comprised within the ambit thereof as shown on the deposited plan, being thereon coloured green, with its rights, members, and appurtenances, is by this Act as on and from the passing thereof vested in the Conservators for all the estate and interest therein which immediately before the passing of this Act were vested in or belonged to Earl Spencer.

31. [*Act to be stamped. Spent.*]

Confirmation
of scheduled
agreement.

32. The agreement set forth in the third schedule to this Act is hereby confirmed, and the same shall be carried into effect accordingly.

Common to
be kept open.

33. The Conservators shall at all times keep the Common open uninclosed and unbuilt on, except as regards such parts thereof as are at the passing of this Act inclosed or built on, and except as otherwise in this Act or in the agreement scheduled thereto expressed, and shall by all lawful means prevent, resist, and abate all encroachments and attempted encroachments on the Common, and protect the Common and preserve it as an open space, and resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof.

Prohibition of
alienation,
etc.

34. It shall not be lawful for the Conservators, except as in this Act or the agreement scheduled thereto expressed, to sell, lease, grant, or in any manner dispose of any part of the Common.

Preservation
of turf, etc.

35. The Conservators shall at all times preserve as far as may be the natural aspect and state of the Common, and to that end shall protect the turf, gorse, heather, timber, and other trees, shrubs, and brushwood thereon.

Prohibition of
sale of turf,
gravel, etc.

36. The Conservators shall not cut turf or dig gravel, mould, or soil, or fell or cut gorse, heather, timber, or other trees, shrubs, or brushwood on the Common for profit, except subject and according to such restrictions and regulations as the First Commissioner of Works from time to time prescribes, and all money received in respect thereof shall be carried to the conservancy fund * under this Act.

Power to
drain, etc.

37. The Conservators shall by virtue of this Act have the following powers ; (namely,)

To drain, level, and improve the Common as far only as may be in their judgment from time to time requisite for the use

* Now the county fund. See 51 & 52 Vict. c. 41, s. 68.

thereof for purposes of health and unrestricted exercise and recreation, and to make temporary inclosures for the protection of the turf or the better attainment of the objects aforesaid :

To plant trees and shrubs thereon for purposes of shelter or ornament, and to make temporary enclosures for the protection of such trees and shrubs :

To make and maintain such roads and ways thereon as may be in their judgment necessary or proper, and to maintain any existing roads and ways thereon, as far as the same may be obligatory on them or in their judgment expedient :

To make and maintain thereon ornamental ponds :

But the Conservators shall not make any pond so that any part thereof shall be within ninety yards of any part of the intended road shown on the deposited plan and marked thereon A B, and shall at their own expense effectually line with concrete or puddle with clay all ponds which they make.

38. [*Roads marked A B and C D on the deposited plan and certain works to be made by Earl Spencer within 6 months after the passing of the Act. Spent.*]

39. The Conservators may from time to time purchase by agreement or accept a grant of and hold any land having been or reputed to have been formerly part of or adjoining to the Common, and any such land when vested in the Conservators shall for the purposes of this Act be deemed part of the Common.

40. Nothing shall be done affecting the Conservators or the Common at any court of the manor of Battersea and Wandsworth without previous notice in writing to the steward of the manor, and on receipt of any such notice the steward shall communicate the same to the Conservators, and the Conservators shall thereupon be entitled, if they think fit, by an agent appointed in this behalf by writing under their common seal, to attend at the court to which the notice relates, and to protest against anything there proposed that would affect them or the Common, and any such protest shall be entered on the rolls of the court.

41. Earl Spencer, his heirs and assigns, shall on every reasonable request in writing by the Conservators, and at their expense, produce to them or their agents, or in any court or elsewhere, as occasion requires, the court rolls of the manor of Battersea and Wandsworth, or any portion thereof, and make and furnish to them such true copies, attested or unattested, thereof, or of any portion thereof as they require, and shall in the meantime keep the same court rolls safe and undefaced, unless prevented by fire or other inevitable accident.

42. In order that this Act may be a final settlement of all questions and claims connected with the lands formerly part of Wandsworth Common, delineated on the deposited plan, and left uncoloured, or coloured otherwise than green thereon, those lands shall henceforth be and the same are hereby released and discharged from all commonable, customary, and other rights and claims (if any) of the commoners (if any).

43. The Conservators shall be capable of taking, and may from time to time (if they think fit) take, any such proceedings as a person having a right of common on the Common or any part thereof is capable of taking, and for the purpose of any proceedings

Power to purchase or accept lands, etc.

Notice of proceedings at courts and protests by Conservators.

Production, etc. of court rolls of manor.

Certain lands released from commonable rights.

Power to take proceedings as commoners.

taken by the Conservators they shall have all the rights, powers, and remedies of a person having such a right of common.

Annuity to
Earl Spencer.

44. There shall be by virtue of this Act payable and paid to Earl Spencer, and to his heirs and assigns for ever, a perpetual annuity of two hundred and fifty pounds, without deduction (except for income tax or property tax), and the same annuity and all arrears thereof shall be deemed to be a liability or debt due from the Conservators in their corporate character, and to be in the nature of a specialty liability or debt, and payment thereof shall be made by equal half-yearly payments on the first day of January and the first day of July in every year, the first of those payments to be made on the first day of January one thousand eight hundred and seventy-two, and interest at the rate of five per centum per annum shall be payable on so much of any half-yearly payment thereof as is at any time in arrear for thirty days after the time at which the same shall have become payable, *and that annuity and the interest on the arrears thereof shall be a charge on the whole revenue of the Conservators, and on the conservancy fund under this Act, in priority to all other charges, mortgages, payments, and deductions whatsoever (except for rates and taxes), and shall be payable and paid thereout, and by means thereof, by the Conservators accordingly.* [*Words in italics semble spent.*]

45. [*Power to the person entitled for the time being to the annuity, if any half-yearly payment is 30 days in arrear after demand in writing, (without prejudice to any other remedy) to obtain from two Justices the appointment of a receiver to receive the whole or a competent part of the revenues of the Conservators and the conservancy fund until all arrears of the annuity and costs are paid; and provisions as to the powers of such receiver. Semble spent.*]

46—49. [*As to raising of rates by the Conservators for the annuity and for executing the Act. Superseded 50 & 51 Vict. c. cvi. s. 25.*]

Power to
redeem
annuity.

50. The Conservators may at any time, with the consent of any person for the time being entitled to dispose of the annuity by this Act made payable, redeem the same by payment of such gross sum, and on such conditions as may be agreed on.

51—57. [*Power to Conservators to borrow—Application of money borrowed—Constitution of Wandsworth Conservancy Fund—Conservators' accounts—Production of rate books for Battersea and Wandsworth—Election of Conservators. Superseded 50 & 51 Vict. c. cvi. ss. 25—29.*]

58—64. [*As to byelaws—Appointment of constables and assaults on constables. Superseded 53 & 54 Vict. c. cexliii. s. 14—21 and schedule, and 61 & 62 Vict. c. cexxi. s. 61.*]

Police
authority
over
Common.

65. For the purposes of enactments empowering the Metropolitan Police, the Common shall be deemed a place of public resort, and the powers and duties of the Metropolitan Police in relation to public safety and preservation of order and protection of property shall extend thereto; but nothing in this Act shall extend the power of levying police rates to any person or property to which the same would not have extended if this Act had not been passed.

66. [*Arrest of transient offenders. Superseded 53 & 54 Vict. c. cexliii. s. 18.*]

67—70. [*Proceedings for offences against the Act and byelaws*

—*Application of penalties—Publication of Conservators' notices. Spent.*]

71. Nothing in this Act or any byelaw of the Conservators shall take away, abridge, or prejudicially affect any right of common, commonable or other like right of way, or other right in, over, or affecting the Common, other than any right in, over, or affecting the same vested in or belonging to Earl Spencer. Saving for rights of Common, etc.

72. Nothing in this Act or in any byelaw of the Conservators shall take away, abridge, or prejudicially affect any estate or right of Earl Spencer in or over any of the waste lands of the manor of Battersea and Wandsworth, except the Common. Saving rights of Earl Spencer.

73. [*Expenses of obtaining Act. Spent.*]

The SCHEDULES referred to.

THE FIRST AND SECOND SCHEDULES.

[*Parts of Commissioners' Clauses Act excepted—As to voting for Conservators. Superseded 50 & 51 Vict. c. cvi. ss. 25—29.*]

THE THIRD SCHEDULE.

* AGREEMENT RESPECTING PORTIONS OF WANDSWORTH COMMON.

1. Christopher William Todd (in this agreement referred to as Mr. Todd), in consideration of the benefits secured to him by this agreement, and of the other stipulations of this agreement, to convey free from incumbrances to the Battersea and Wandsworth committee for the preservation of Wandsworth Common (in this agreement referred to as the promoters), a strip of ground twenty feet wide, along the road called Bolingbroke Grove, coloured dark green on the plan, signed at the same time with this agreement (which strip of ground was formerly part of the Wandsworth Common).

2. The title to the strip of ground aforesaid to begin with the conveyance to Mr. Todd, and the prior title not to be in any way inquired into.

3. The promoters to level, make, and maintain public ways across the strip of ground aforesaid, at the points marked X and Y on the said plan, of the respective widths shown thereon: Provided that no such way injure any tree or trees in Bolingbroke Grove aforesaid.

4. The promoters to be at liberty to fence off the strip of ground aforesaid, except at the ways aforesaid, with an open iron fence not more than four feet six inches high, such fence if erected to be maintained and from time to time repaired and painted by the promoters, who shall also make a path between the fence and any houses built on Mr. Todd's land, such path to be not less than five feet wide in the clear, measured from the fence to the nearest part of any such house, or of any fence, railing, wall, step, or other projection in front of or connected with the same.

5. The promoters to remove the present fence between the strip of ground aforesaid and Bolingbroke Grove, and to replace the same in a parallel line twenty-five feet westward from its present position.

6. The London, Brighton, and South Coast Railway Company (in this agreement referred to as the Railway Company), at their own expense, to shift their present road to the westward as shown on the said plan by the red dotted lines, and to convey or re-lease to Mr. Todd their interest in so much of the present road as will be relinquished by the said Railway Company in consequence of such shifting, and which is represented on the said plan by the space coloured blue, and also in the piece of land distinguished on the said plan by the striped pink colour, and to devote the piece of land distinguished by the pink colour not striped (in addition to the piece of land distinguished by the yellow colour) to the purposes of the road so shifted as aforesaid, and to allow the said shifted road to be open on its south end to the Common, and to be dedicated to public use.

7. The promoters to make a road or way forty feet wide from the south end

* This agreement, although merged in the conveyances made thereunder, is set out on account of the information affecting the Common which it contains.

of the road of the Railway Company so shifted as aforesaid in a direct line adjoining Mr. Todd's property into Bolingbroke Grove, such road when made to belong to and be maintained by the promoters, and also to be dedicated to public use: Provided that the promoters shall not be called upon to cut down or injure any tree in Bolingbroke Grove aforesaid in making the said road.

8. Lord Spencer, in consideration of the other stipulations of this agreement, and of the provisions of the Wandsworth Common Bill now before Parliament, to convey to the Railway Company a portion of the Common at the south end thereof, lying between the St. James's Road and the Railway Company's railway, sufficient for a passenger shed and an approach to the Railway Company's station there, which portion to be conveyed is coloured brown on the said plan.

9. [*Questions arising before the conveyances to be made hereunder are made as to anything to be done under this agreement to be settled by the Attorney General or some one nominated by him. Spent.*]

10. If the Wandsworth Common Bill passes into law in the session of 1871, or any similar Bill passes into law in the session of 1872, then the Conservators constituted thereby to be substituted in this agreement for the promoters.

11. [*The promoters to pay the Railway Company's costs incidental to this agreement, and to their proceedings in Parliament in respect of the Wandsworth Common Bill. Spent.*]

12. If no such Bill as aforesaid passes before the first day of November 1872, this agreement to be void, except as regards payment of the Railway Company's costs, as specified in clause 11.

Dated this twenty-eighth day of March 1871.

HORNE AND HUNTER,

Solicitors for the Promoters.

FRERE, CHOLMELEY, AND Co.,

Solicitors for Lord Spencer.

GEO. BADIHAM,

Solicitor for Mr. Todd.

BAXTER, ROSE, NORTON, AND Co.,

Solicitors for the Railway Company.

35 & 36 VICTORIA. A.D. 1872.

CHAPTER 53.

* AN ACT TO CONFIRM AN AGREEMENT FOR THE PURCHASE BY THE METROPOLITAN BOARD OF WORKS OF CERTAIN LAND ADJOINING VICTORIA PARK, AND FOR THE APPROPRIATION OF SUCH LAND AS PART OF THE SAME PARK. [6th August 1872.]

[*Preamble recites (inter alia) that under the Acts specified in Schedule (A.) to the Act, the lands described in the agreement set forth in Schedule (B.) are under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, who have, under the said Acts, power to lease, sell, or exchange the said lands.*]

1. The said articles of agreement dated the third day of May one thousand eight hundred and seventy-two, and set forth in the Schedule (B.) to this Act annexed, are by this Act confirmed, and such articles of agreement shall be of the same force and have the same effect as if the same were by this Act enacted: Provided always, that the said lands shall, after completion of the purchase thereof, continue vested in Her Majesty, her heirs and successors, instead of being conveyed to the Metropolitan Board of Works or to the Commissioners of Her Majesty's Works and Public Buildings, as provided by the said articles of agreement, but the same lands shall become and be part of Victoria Park, under the management of the Commissioners of Her Majesty's Works and Public Buildings,

Articles of
agreement
set forth in
Schedule (B.)
confirmed.

* See also 50 & 51 Vict. c. 34.

instead of being as the said lands now are part of the land revenues of the Crown, under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and notwithstanding the provisions of the said agreement, the Commissioners of Her Majesty's Works and Public Buildings shall, from the day herein-after appointed for completion of the purchase, or if the purchase be sooner completed then from such completion, be entitled to possession of and receipt of any profits arising from the said lands. . . .
[Part omitted (the Metropolitan Board of Works not to be liable for taxes, etc.) rep. 50 & 51 Vict. c. 34, s. 5; and (as to completion of purchase) spent.]

2. *[As to payment of purchase money and expenses of purchase. Spent.]*

The SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

10 Geo. 4. c. 50.
 4 & 5 Vict. c. 27.
 5 & 6 Vict. c. 20.
 14 & 15 Vict. c. 42.
 14 & 15 Vict. c. 46.

SCHEDULE (B.)

[Agreement made the 3rd day of May 1872, whereby Charles Alexander Gore, a Commissioner of Woods, Forests, and Land Revenues, agreed on behalf of Her Majesty to sell to the Metropolitan Board of Works, and the Board agreed to purchase from Her Majesty, for the sum of £20,450, all those four plots of land, containing together 23 acres and 3 roods or thereabouts, adjoining Victoria Park, in the parishes of St. John, Hackney, St. Mary, Stratford-le-Bow, and St. Matthew, Bethnal Green, which lands were delineated and coloured red, and numbered respectively 1, 2, 3, and 4, in the plan annexed to such agreement. Spent.]

CHAPTER XLIII.

* AN ACT TO CONFIRM A SCHEME UNDER "THE METROPOLITAN COMMONS ACT, 1866," RELATING TO HACKNEY COMMONS.

[27th June 1872.]

[Preamble recites that the Inclosure Commissioners for England and Wales have, in pursuance of "The Metropolitan Commons Act, 1866," duly certified a scheme for the establishment of local management with respect to Hackney Commons, situate in the parish of Hackney in the county of Middlesex.†] [Be it enacted]

1. That the scheme for the establishment of local management with respect to Hackney Commons, situate in the parish of Hackney in the county of Middlesex,† certified by the Inclosure Commissioners for England and Wales under their seal on the twenty-second day of February one thousand eight hundred and seventy-two, and contained in the schedule hereunto annexed, be hereby confirmed, and from and after the passing of this Act shall be deemed to

Scheme as to Hackney Commons certified by Inclosure Commissioners confirmed.

* See also 47 & 48 Vict. c. cxxiii. s. 45.

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

be a Public General Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

Short title.

2. This Act may be cited for all purposes as "The Metropolitan Commons Supplemental Act, 1872."

SCHEDULE.

SCHEME with respect to HACKNEY COMMONS.

1. Hackney Commons—that is to say, London Fields, Hackney Downs, Well Street Common, otherwise Hackney Common, North Mill Field, South Mill Field, Stoke Newington Common, and Clapton Common, and parcels of waste land at or near Dalston Lane and Grove Street, as the same are delineated in a plan deposited with the Inclosure Commissioners for England and Wales*—shall henceforth for all the purposes of this Scheme be regulated and managed by the Metropolitan Board of Works, herein-after termed "the Board."†

2. [*Appointment of officers. Superseded by the Municipal Corporations Act 1882, ss. 19 and 20 (see Appendix), and 51 & 52 Vict. c. 41, s. 75. See also 18 & 19 Vict. c. 120, s. 202.—Expenses of executing Scheme. Superseded 51 & 52 Vict. c. 41, part iv.*]

3. The Board may execute any works of drainage, raising, levelling, fencing, and improvement of the Commons respectively, so far only as may be required for the purposes of the Metropolitan Commons Act, and shall preserve the turf, shrubs, trees, plants, and grass, and for this purpose may enclose by fences, for short periods, such portions as may require rest to revive the same, and may plant or otherwise beautify the Commons, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the said Commons.

4. The Board shall maintain the Commons respectively, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other enclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board; and the Board shall include in their annual report a statement as to the state of the Commons, for the information of the ratepayers.

5—7. [*As to byelaws. Superseded 40 Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. cxxliii. ss. 14—21; and 61 & 62 Vict. c. cxxxi. s. 61.*]

8. Except for the owner or owners of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature, in, into, or under any part or parts of the said Commons.

9. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the Commons respectively for grazing any cattle, sheep, or other animals.

10. The Board may have power to apply at any time for an amended or new Scheme.

11. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875—1904.*]

12. [*Proceedings not to be quashed for want of form.*]

13. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting the Commons, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament.

14. The lords of the manor of Lords Hold Hackney claim an estate in fee simple, subject only to the rights of common of the tenants of the manor entitled thereto, in such of the lands as are waste of the manor; that is to say, Clapton Common, Stoke Newington Common, the two parcels of waste in Dalston Lane, and the parcel of waste in Grove Street, and so that the said rights of common do not prevent the claimants digging and selling clay, gravel, sand, and brick-earth from out of the said wastes: also the right to approve the wastes of the manor by precept according to the custom of the manor: also the fines, quit-rents, and other manorial dues in respect of such portions of the

* Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

various Lammas fields, that is to say, London Fields, Hackney Downs, Well Street Common, otherwise Hackney Common, North Mill Field, and South Mill Field, as are copyhold of the manor, together with the right to dig and sell clay, gravel, sand, and brick-earth out of such copyhold portions and out of any freehold portions which have been enfranchised without the minerals: also the right of escheat and all other manorial rights in and over all the said Lammas lands and wastes.

The trustees of Thomas George Corbett, deceased, claim the whole of London Fields, from the 5th April to the 12th August in every year in severalty, and they also claim the soil during the remainder of the year, subject to the rights of common which may be then exercised thereon, part as freehold and part as copyhold; and as to that part which is freehold, they claim to be exclusively entitled to the soil, and to all mines, minerals, and brick-earth in and under the same; and as to that part which is copyhold they claim to be entitled to the soil and the brick-earth in and under the same upon payment to the lords of the manor of a royalty.

The part owners of the other Lammas fields claim such fields from the 5th April to the 12th August in every year in severalty, and they also claim the soil during the remainder of the year, subject to the rights of common which may be then exercised thereon, some portions being claimed as freehold and some as copyhold.

The copyhold tenants of the manor and the owners of enfranchised copyholds claim rights of common of pasture over the Lammas fields from the 12th August to the 5th April in every year, and over the waste lands at all times of the year, and also certain rights to dig gravel and sand, and to lop trees on the said waste lands, such rights of common of pasture being subject to the byelaws which heretofore have been and hereafter may be made by the homage of the said manor: also the right when assembled as homage of the said manor at the courts of the said manor, to regulate the aforesaid rights of common of pasture by making byelaws for determining the number of cattle which each commoner may turn on the lands, and the fines and dues to be paid in respect thereof, and by appointing drivers for superintending the same, and making other regulations warranted by the custom of the said manor.

This Scheme affects the rights so claimed as aforesaid only so far as is absolutely necessary for the purposes contemplated by this Scheme.

The lords of the manor, the owners of the London Fields, and certain of the part owners of the other Lammas fields, do not consent to the Scheme. All the other claimants consent to it, provided compensation be given for any rights taken away or prejudicially affected by it. [*See 47 & 48 Vict. c. cccxiii. s. 46.*]

15. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding sixpence each.

The Inclosure Commissioners for England and Wales pursuant to the provisions of "The Metropolitan Commons Act, 1866" hereby certify the above-written Scheme.

In witness whereof they the said Inclosure Commissioners have caused their official seal to be hereunto affixed this twenty-second day of February one thousand eight hundred and seventy-two.

(L.S.)

CHAPTER LXVI.

AN ACT FOR AMENDING AND EXTENDING THE THAMES EMBANKMENT ACT, 1862, AND FOR OTHER PURPOSES. [*27th June 1872.*]

[*Preamble recites 25 & 26 Vict. c. 93, and in particular s. 25 thereof.*]

1. This Act may be cited as the Thames Embankment North Short title. Act, 1872.

2. In this Act—

"The Embankment Act of 1862" means the Thames Embankment Act, 1862:

Interpretation.

"The Board" means the Metropolitan Board of Works* :

"The Victoria Embankment" means the embankment made under the Embankment Act of 1862 :

"Roadway" includes the carriageway and footways of the roadway.

Transfer to Board of authority over and property in roadway, etc.

3. The roadway on the Victoria Embankment shall (notwithstanding anything in the Embankment Act of 1862) be under the management, control, and authority of the Board, and they shall have the sole power, authority, and duty of paving, macadamizing, maintaining, repairing, watering, cleansing, and lighting the same, and the same roadway, and the walls, railings, and fences thereof, (subject nevertheless to section 77 of the Embankment Act of 1862, and except such parts of the said walls, railings, and fences as are, so far as regards the lands coloured blue and green respectively on the Crown plans mentioned in the Embankment Act of 1862, on the land side of the said roadway,) and the trees, lamp-posts, and other things thereon, are hereby vested in and the same shall belong absolutely to the Board. [*See also 36 Vict. c. vii. s. 2; 38 & 39 Vict. c. clxxix. s. 5; 39 & 40 Vict. c. lxxix. ss. 34—36; 50 & 51 Vict. c. 34, s. 2; and 62 & 63 Vict. c. 14, s. 6 (2).*]

4—5. [*As to byelaws. Superseded 40 Vict. c. viii. ss. 3, 4, and 10. See also 53 & 54 Vict. c. ccxliii. ss. 14—21, and 61 & 62 Vict. c. ccxxi. s. 61.*]

For protection of the Inner and Middle Temple.

6. No provision of this Act, and no byelaw to be made thereunder, shall be taken to vest in the Board, or to give the Board any right in or jurisdiction over any wall, railing, fence, or other boundary now or hereafter to be erected upon the lands belonging to the Honourable Societies of the Inner and Middle Temple between the Victoria Embankment and any part of such lands, or to repeal, alter, or contravene, or in any way to impede the execution or performance of the provisions of sections 28, 29, 30, 31, or 41, of the Embankment Act of 1862, or any of the stipulations contained in a certain specification referred to in section 29 of the said last-mentioned Act, and bearing date the 26th day of May 1862, and made under the hand of the Right Honourable William Cowper, then Chief Commissioner of Her Majesty's Works and Public Buildings, or otherwise to take away, lessen, prejudice, or affect any estate, right, interest, jurisdiction, franchise, power, privilege, and immunity, claim, or demand of, or any liability to, the two said societies respectively or either of them, or their respective trustees, treasurers, or masters of the bench, whether under Act of Parliament, charter, grant, agreement, specification, prescription, custom, usage, or otherwise, or any right, interest, claim, or demand of the two societies respectively, or either of them, in any way relating to the Temple land or any part thereof, or any works thereon or in connexion therewith.

Saving rights of the Marquess of Salisbury and others.

7. Nothing in this Act contained shall authorise or empower the Board to make any byelaw for all or any of the purposes aforesaid which shall in anywise prejudice, lessen, affect, or interfere with any rights, easements, advantages, or privileges which the Marquess of Salisbury, his heirs, sequels in rights, or assigns, or his or their lessees or tenants of houses and premises in Cecil Street and Salisbury Street, respectively have, possess, or enjoy, or is or are entitled to under or by virtue of the 62nd or any other section of the

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Embankment Act of 1862, or under or by virtue of any Act or Acts amending the said Act of 1862, but all such rights, easements, advantages, and privileges shall remain in full force and effect to all intents and purposes whatsoever as if this Act had not been passed; and further, that every byelaw which the Board may from time to time make under the provisions of this Act shall be absolutely void and of no effect as far as it prejudices, lessens, affects, or interferes with any of the said rights, easements, advantages, or privileges of the said Marquess of Salisbury, his heirs, sequels in right, or assigns, or his or their lessees or tenants.

8. [*Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv.*]

9. [*Expenses of obtaining Act. Spent.*]

CHAPTER CLXIII.

AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO WIDEN AND IMPROVE CERTAIN STREETS, AND TO MAKE CERTAIN NEW STREETS WITHIN THE METROPOLIS. [6th August 1872.]

[*Preamble recites 34 & 35 Vict. cc. 47 and cxxix.*]

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Metropolitan Street Improvements Act, 1872." Short title.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except section 133 of the first-mentioned Act, and also such of the provisions of those Acts as are varied by, or excepted from, or inconsistent with this Act,) are incorporated with and form part of this Act. Lands Clauses Acts incorporated.

3. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) Interpretation of terms.

The word "streets" shall include squares, streets, courts or alleys, highways, roads, thoroughfares, or public passages or places:

The term "improvements" means the widening of the several streets, roads, and thoroughfares, and the construction of the new streets by this Act authorised:

The expression "the Board" means the Metropolitan Board of Works.*

[*Parts omitted (definitions of "Justice" and "lessee," and as to meanings of words in Acts incorporated) spent.*]

4. [*Board to execute Act. Superseded 51 & 52 Vict. c. 41, s. 40.*]

5. The Board may make the following improvements, or any of them: Power to make improvements herein named.

(WAPPING IMPROVEMENTS.)

(1.) They may widen High Street and Lower East Smithfield, Wapping, on the northern and southern sides thereof, commencing from the eastern side of the entrance of the Wapping Basin of the London Dock in the parish of Saint John, Wapping, and terminating at Little Thames Street

* Now the London County Council. See 51 & 52 Vict. c. 41 s. 40 (8).

in the parish of Saint Botolph Without Aldgate, and in the precinct of Saint Katherine, or one of them :

- (2.) They may widen the thoroughfare in continuation of the above-mentioned improvements, commencing in Lower East Smithfield, at the eastern end of Little Thames Street aforesaid, and terminating in the said precinct of Saint Katherine, near the entrance to the Saint Katherine's Docks from the River Thames :

(SHOREDITCH IMPROVEMENTS.)

- (3.) They may widen High Street in the parish of Saint Leonard, Shoreditch, on the west side thereof, commencing at a point about thirty yards south of the intersection of Bateman's Row, in the same street, and continuing into and terminating in Old Street Road, at or near the point of intersection thereof by the North London Railway :
- (4.) They may construct a new road partly in the parish of Saint Matthew, Bethnal Green, and partly in the said parish of Saint Leonard, Shoreditch, commencing on the east side of the High Street, Shoreditch, near the terminus of the Great Eastern Railway, and ending at a point in the Bethnal Green Road, near Chilton Street :
- (5.) They may widen Gibraltar Walk, at the south end thereof, in the parish of Saint Matthew, Bethnal Green :
- (6.) They may construct a new road in the said parish of Saint Leonard, Shoreditch, and in the parish of Saint Luke, commencing in High Street, Shoreditch, opposite Commercial Street, and terminating in Old Street Road, at or near Tabernacle Square :

(OLD STREET TOWARDS NEW OXFORD STREET IMPROVEMENTS.)

- (7.) They may widen Old Street, on the northern side thereof, where it joins Goswell Road, in the parish of Saint Luke :
- (8.) They may widen Wilderness Row, on the southern side thereof, in the liberty of the Charterhouse, and in the parish of Saint John, Clerkenwell :
- (9.) They may construct a new road, commencing at Saint John Street, opposite Wilderness Row, passing thence through or into the parishes of Saint John and Saint James, Clerkenwell, and Ely Place, Ely Rents, Hatton Garden, and Saffron Hill, and terminating in Farringdon Road at or near the Sessions House, Clerkenwell :
- (10.) They may construct a new road, commencing at the termination of the last-mentioned new road, and terminating in Liquorpond Street in the parish of Saint Andrew, Holborn, above Bars :
- (11.) They may widen Liquorpond Street, Christopher Street, King's Road, and Theobald's Road :
- (12.) They may form a communication between the western end of Theobald's Road from Gloucester Street and Kingsgate Street to Vernon Place :

(HARROW ROAD IMPROVEMENT.)

- (13.) They may widen the south-eastern end of the Harrow Road, and the west side of the Edgeware Road, near its junction with the Harrow Road :

(NEWINGTON BUTTS IMPROVEMENT.)

- (14.) They may widen Newington Butts in the parish of St. Mary, Newington, on the north-west side of the said road, commencing at Church Yard Row and terminating at a point about one hundred yards to the north-east of the said row.

6—11. [*Improvements to be made according to plans deposited with the Clerks of the Peace for Middlesex and Surrey—Power to the Board to take lands shown on such plans, to stop up ways during works, to raise or lower streets, to deviate, to make subsidiary works, to stop up, alter, etc., or appropriate streets, to alter water, gas, and other pipes. Spent.*]

12. The Board shall not appropriate for building purposes any part of the properties in the parish of Saint John, Clerkenwell, numbered respectively 70, 71, 73, 75, 76, and 77 on the deposited plans, so far as such properties will be situate to the north of the proposed new street in Clerkenwell, but the said properties and portions thereof so situate as aforesaid shall be thrown into and form part of the new street in Clerkenwell, and the connexion between the said new street and Clerkenwell Green shall be formed by an easy curve commencing in No. 80 and terminating in No. 81 on the deposited plans. [*Varied 38 & 39 Vict. c. clxxix. ss. 28 and 29.*]

Certain
properties to
form part of
new street.

13. [*Power to lay out footways. Spent.*]

14. [*As to laying of pavements and resting the same when laid in the board of works* or vestry* in whose district they are.*]

15. [*Power to the Board to fill up sewers or drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

16. [*Power to alter steps, areas, pipes, etc. Spent.*]

17. The Board may make, under any street made or widened by them under this Act, a subway (being an arched passage or covered way) for such purposes as they may think fit, with all communications, works, and things necessary or proper for the convenient use thereof, and the same subway, communications, works, and things shall be deemed part of the works authorised by this Act, and the same shall (notwithstanding anything in this Act) belong to and be vested in the Board, and shall be maintained and repaired by the Board, and the Board may permit the use of the subway for the purpose of the laying down of gas or water pipes, or telegraph wires, or for any other useful purpose, on such terms and conditions, and for such period as the Board and any company or person agree, and the Board may sell, convey, or demise any right to any company or person for any of the purposes aforesaid, and may make such stipulations for preventing injury to the adjoining property, and for the security of the public, as the Board think proper, and may agree to refer to arbitration any matter in difference under this section. [*See also 56 & 57 Vict. c. ccii.*]

Power to
make sub-
ways.

18. [*Ground laid into the streets to form part thereof, and to be under the management of the vestry of the parish* or board of works of the district* in which the same is situate.*]

19—23. [*Errors and omissions in plans—Power to the Board to sell materials and to survey lands to be taken—As to compensation—Deficiencies of land tax during works. Spent.*]

* Now the council of the metropolitan borough. See 62 & 63 Vict. c. 14, s. 1.

24—26. [*Power to the Board to grant building leases of surplus lands—As to sale of ground rents and reversions thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. cccxxvii. s. 23. See ibid. ss. 19—22.*]

27. [*Time for sale of surplus lands limited to 10 years from completion of improvements. Superseded 47 & 48 Vict. c. 59, s. 23.*]

Receipts of
Board to be
effectual
discharges.

28. The receipt of the Board for any purchase moneys, rents, or profits, or other money payable to the Board by virtue of this Act, shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received, and the person to whom the same shall be given shall not afterwards be answerable or accountable for the mis-application or non-application of the money in such receipt expressed or acknowledged to be received.

29. [*Saving for lands of the Sutton Hospital in Charterhouse. Spent.*]

30. [*As to construction of the bridge carrying the new road over Metropolitan Railway. Spent.*]

Metropolitan
Railway
Company to
be borne
harmless.

31. The Metropolitan Board of Works* shall at all times save harmless and keep indemnified the Metropolitan Railway Company from and against all claims, losses, liabilities, costs, and expenses which the Metropolitan Railway Company may sustain or be put unto by reason of the construction of the bridge across the railway and maintenance of the same, and if thereby the free use of such railway by the Metropolitan Railway Company shall be obstructed, the Metropolitan Board of Works shall pay to the Metropolitan Railway Company, as or by way of ascertained damages, the sum of fifty pounds for every hour during which any such obstruction shall continue, and so in proportion for any less period than one hour, and in default of payment of any such sum, or any such losses, liabilities, costs, or expenses, on demand made on the Metropolitan Board of Works, the Metropolitan Railway Company may recover the same, with full costs, in any court of competent jurisdiction: Provided always, that nothing in this Act contained shall take away or in any manner affect any other right, if any, to compensation, to which under the provisions of the Railways Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Act, 1845, or otherwise, the Metropolitan Railway Company are or may be entitled by reason of the formation of the said bridge and street across and over their railway and lands.

32—33. [*As to carrying the new road under the viaduct of the North London Railway. Spent.*]

Maintenance
of such works.

34. The Board shall at all times maintain the bridge and other works by which the said new road shall be so carried under the North London Railway in substantial repair and good order to the reasonable satisfaction, in all respects, of the principal engineer of the North London Railway Company, and if and whenever after notice from the North London Railway Company the Board fail so to do, the North London Railway Company may make or do in and upon as well the lands of the Board as their own lands such repairs, and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the North London Railway Company by the Board, and in default of payment may be recovered by such Company from the Board, with full costs, in any court of competent jurisdiction.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

35. It shall not be lawful for the Board or their contractors, agents, servants, or workmen, in constructing or repairing the works by this Act authorised under the North London Railway, to obstruct the traffic on such railway, or to prevent the convenient passage of engines, carriages, or waggons along the same, and if that traffic or such passage of engines, carriages, or waggons be obstructed contrary to this enactment the Board shall forfeit and pay to the North London Railway Company the sum of fifty pounds for every hour, by way of ascertained damages, during which such obstruction shall continue.

Traffic on
North Lon-
don Railway
not to be
obstructed.

36. Notwithstanding anything in this Act contained the Board shall be responsible for and make good to the North London Railway Company all costs, losses, damages, and expenses which may be occasioned to that Company, or to any of the works or property thereof, or to the traffic thereon, or otherwise, by reason of the execution or failure of the works by this Act authorised under such Company's railway, or of any act or omission of the Board, or of any of the persons in their employ, or of their contractors or others, and the Board will effectually indemnify and hold harmless the North London Railway Company from all claims and demands upon or against them by reason or arising out of such execution or failure, or of any such act or omission.

The Board
to pay
damages
sustained by
North Lon-
don Railway
Company.

37. The Board shall not in any case, without the previous consent in writing of the North London Railway Company under their common seal, take, use, enter upon, or interfere with the railway, works, lands, or property at any time belonging or in the possession or under the power of that Company, except only such part or parts thereof respectively as it shall be necessary for the Board to take, use, enter upon, or interfere with for making and maintaining the works by the preceding enactments in that behalf authorised to be carried under the railway of the North London Railway Company.

Interference
with lands of
North Lon-
don Railway
Company.

38—39. [*Board to acquire easements only in lands of the North London Railway Company—As to alteration of the Company's signals at the expense of the Board. Spent.*]

40. If at any time the North London Railway Company shall be desirous of widening the viaduct of their railway to the extent of two additional lines of rails where the same viaduct will be crossed by such new road, that Company shall be at liberty to widen their viaduct to the extent aforesaid over the said road by a bridge of the same character as shall be built by the Board for carrying the present viaduct of the railway over the said new road.

Provision for
additional
lines upon
the North
London
Railway.

41. [*Saving the rights generally of the North London Railway Company.*]

42. Any difference which may arise between the Board and the North London Railway Company under the before-mentioned enactments (except as to the amount of purchase money or compensation for the purchase or taking of any land or easement which the Board are by this Act authorised to acquire from the North London Railway Company), shall be from time to time referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade, and the costs of the arbitration shall be in the discretion of the arbitrator.

Arbitration.

43. For the protection of the London and Saint Katharine Docks Company, (herein-after in this Act called the Dock Company,) the

Provisions for
the London

and St.
Katharine
Docks
Company.

Board shall at their own expense observe, fulfil, and conform to the stipulations and provisions following :

- (b.) In altering for the purposes of this Act the two bridges of the Dock Company, one of which is numbered on the deposited plans 44 in the parish of Saint John, Wapping, and the other 53a, in that parish, and 237 in the parish of Saint George in the East, the Board shall not, otherwise than by agreement with the Dock Company, increase the extent of widening shown on the deposited plans or deviate from the levels or mode of construction shown on the deposited sections :
- (d.) The Board shall make good all damage that may be caused to the works or property of the Dock Company by the construction, removal, or want of repair of any of the Board's works ; but in every case of pressing necessity, and in every other case if for fourteen days after notice in writing thereof given to the Board by the Dock Company, the Board do not proceed with due diligence to make good such damage, the Dock Company may, if they think fit, make good the damage, and the amount expended by them in so doing shall be repaid to them by the Board :
- (e.) It shall not be lawful for the Board or their contractors, agent, servants, or workmen in the execution of the powers of this Act, to obstruct the waterway of either of the lock entrances under the said bridges, or the convenient passage of vessels and lighters through the same :
- (f.) Provided, that notwithstanding anything in this Act contained, the Board shall make good to the Dock Company all costs, losses, damages, and expenses which may be caused to the Dock Company or to any of their works or property, or to the traffic there, or otherwise, by reason of the execution or failure of any work by this Act authorised, or by reason of any act or omission of the Board or of any persons in their employ, or of their contractors or others, and the Board will effectually indemnify and hold harmless the Dock Company from and against all claims and demands upon or against them on account of or consequent on any such execution or failure or any such act or omission :
- (g.) The said bridges when widened shall be the property of the Dock Company, and all the provisions of the section numbered one hundred of the London Docks Act, 1828, 9 George 4, chapter 116 (Local), shall apply thereto as fully as to the now existing bridges :
- (j.) If and whenever any damages or other sums payable by the Board to the Dock Company under this section are not paid on demand made on the secretary or clerk of the Board, the same may, with costs of suit, be recovered against the Board in any court of competent jurisdiction :
- (k.) Provided that if the Board and the Dock Company so agree, the Board may, in lieu of altering the said swing bridge numbered on the deposited plans 44, in Saint John, Wapping, substitute for that swing bridge a fixed bridge or road or thoroughfare, and fill up wholly or partially the

entrance lock under such fixed bridge, road, or thoroughfare, and by any such agreement any of the sub-sections of this section may, as regards the said swing bridge or the fixed bridge, road, or thoroughfare which may be substituted, be modified or waived, and if a fixed bridge, road, or thoroughfare be agreed upon the remainder of the said entrance lock may be filled up, and the Dock Company may sell and dispose of the same and of any other lands adjoining or near thereto belonging to them and lying between their boundary wall and the River Thames, and their obligation to maintain a footpath across the gates of the said entrance, and all rights of way and other rights over the same, shall cease :

- (l.) All questions and differences which may at any time arise between the Board and the Dock Company under this section (except as to the amount of purchase money or compensation for purchase or taking of any easement which the Board under this Act are authorised to acquire from the Dock Company, and which purchase money or compensation shall be ascertained under the Lands Clauses Consolidation Acts incorporated with this Act,) shall be from time to time referred to and determined by an arbitrator to be appointed by the Board of Trade upon the application in writing of both or either of the parties in difference, and his decisions shall be binding and conclusive upon both the parties in difference, and the cost of the arbitration shall be in his discretion :
- (m.) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the rights, privileges, or powers of the Dock Company.

[Parts omitted (as to taking of easements, expenses of Dock Company during works, as to the Company's additional expenses of maintenance of bridges and power to compound therefor) spent.]

44. *[For the protection of the Thames Conservancy.]*

45. *[For the protection of Messrs. Rivington's lands. Spent.]*

46. *[As to purchase of part of the church and churchyard of Saint Mary Newington. Spent.]*

47. *[Period for compulsory purchase of lands and construction of works limited to 5 and 7 years respectively. Spent.]*

48—49. *[As to rehousing persons of the labouring class. Spent.]*

50. *[Power to the Board to apply existing funds to the purposes of this Act. Spent.]*

51. *[Borrowing powers by. Superseded by the London County Council (Money) Acts 1875—1904.]*

52. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, or remedy which the Board would have had or might have exercised if this Act had not been passed. Saving for Board.

53. The provisions of this Act relating to the Hornsey Local Board shall, notwithstanding anything in the Hornsey Local Board Act, 1871, or in any other Act empowering that Board, have effect for the better execution of section 33 of the Hornsey Local Board Act, 1871, whereby the Metropolitan Board of Works (Loans) Act, 1871, is extended to the district of the Hornsey Local Board.* * Effect of provisions as to Hornsey Local Board.

* Now the Mayor, Aldermen, and Burgesses of the Municipal Borough of Hornsey.

Application
of Metro-
politan Loans
Act to Horn-
sey Local
Board.

54. Any money from time to time borrowed by the Hornsey Local Board* under the Hornsey Local Board Act, 1871, or for the purposes of any work (within or without their district) which they are about to execute or to which they are about to contribute under the Acts empowering them, and which appears to the Metropolitan Board of Works† and to the Commissioners of Her Majesty's Treasury to be a permanent work, may, with the consent of the Commissioners of Her Majesty's Treasury, and on such terms and conditions as those Commissioners from time to time think fit, be borrowed from and be lent by the Metropolitan Board of Works,† and section 37 of the Metropolitan Board of Works (Loans) Act, 1869, shall apply to every such loan, with the substitution of the Hornsey Local Board* and the Hornsey Local Board Act, 1871, and the other Acts empowering that Board, for the managers and the Acts in that section mentioned, and with the omission of the reference in that section to the Poor Law Board, and with the addition to the amount in that section mentioned of the money from time to time borrowed by the Hornsey Local Board.*

Form of
mortgage by
Hornsey
Local Board.

55. Every mortgage made by the Hornsey Local Board* for money borrowed by them from the Metropolitan Board of Works† may be made in such manner and form as those Boards agree.

Effect of
mortgage by
Hornsey
Local Board.

56. Subject and without prejudice to the other provisions of this Act, every mortgage made by the Hornsey Local Board* for money borrowed by them from the Metropolitan Board of Works† shall be deemed a mortgage granted by the Hornsey Local Board* under the Hornsey Local Board Act, 1871, or under the other Act or Acts authorising the Hornsey Local Board to borrow the money secured by the mortgage, and in respect thereof the Metropolitan Board of Works† shall be deemed mortgagees of the Hornsey Local Board* under the same Act or Acts (as the case may be).

Amendment
in respect of
section 30
of Act of
1871.

57. Section 30 of the Hornsey Local Board Act, 1871, (relating to contributions to be paid by the Hornsey Local Board* towards the cost of the main drainage system of the Metropolitan Board of Works†) is hereby repealed, and sections 31 and 32 of the same Act and all enactments having reference thereto, shall be read and have effect as if the provisions of this Act relating to the Hornsey Local Board* had been inserted in the Hornsey Local Board Act, 1871, in lieu of section 30 of that Act. [*See the Hornsey Drainage Scheme 1901, made under 62 & 63 Vict. c. 14.*]

Contributions
to be paid by
Hornsey
Local Board
towards costs
of main
drainage
system.

58. For the purpose of contributing to the costs incurred by the Metropolitan Board of Works† in respect of their main drainage system, the Hornsey Local Board* shall pay to the treasurer of the Metropolitan Board of Works† the yearly sums, at the times, and during the periods following; (that is to say,)

- (1.) The Hornsey Local Board* shall pay a yearly sum sufficient to provide the requisite interest and sinking fund in respect of such a proportion of the money which had been borrowed by the Metropolitan Board of Works† for main drainage purposes before, and which remain undischarged at the passing of the Hornsey Local Board Act, 1871, or which has been or is borrowed by them for those purposes after the passing of that Act, and is for the time being undischarged, as the annual rateable value of the property

* Now the Mayor, Aldermen, and Burgesses of the Municipal Borough of Hornsey.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

in the district of the Hornsey Local Board * assessable to the general district rate bears to the annual rateable value of the property in the metropolis liable in respect of main drainage charges :

- (2.) The yearly sum aforesaid shall be paid in every year during the residue which was to come at the passing of the Hornsey Local Board Act, 1871, of the period of sixty years from the time of the first creation by the Metropolitan Board of Works † of any metropolitan consolidated stock :
- (3.) The yearly sum aforesaid shall be paid for the first year on the 2nd day of December 1872, and for every subsequent year on such day in each year as shall be specified in that behalf in a notice in writing to be delivered by the Metropolitan Board of Works † to the clerk of the Hornsey Local Board * on or before the 1st day of May in each year, but so that the day so specified for payment be not sooner than three months after the date of delivery of the notice :
- (4.) The Hornsey Local Board * shall also pay such further yearly sum as the Metropolitan Board of Works † in each year (as well during the residue aforesaid of the said period of sixty years as after the expiration of that period) by notice in writing delivered by the Metropolitan Board of Works † to the clerk of the Hornsey Local Board * on or before the 1st day of May in each year, require the Hornsey Local Board * to pay as a contribution towards the cost of the maintenance and working of the main drainage system of the Metropolitan Board of Works † :
- (5.) Provided that the amount of any such further yearly sum as last aforesaid shall not exceed a sum which shall bear to the whole expense incurred by the Metropolitan Board of Works † in the maintenance and working of their main drainage system, the same proportion as the annual rateable value of the property in the district of the Hornsey Local Board * assessable to the general district rate bears to the annual rateable value of the property in the metropolis liable in respect of main drainage charges.

59. [*Expenses of obtaining Act. Spent.*]

36 & 37 VICTORIA. A.D. 1873.

CHAPTER 40.

AN ACT TO AUTHORISE THE ACQUISITION AND APPROPRIATION BY THE METROPOLITAN BOARD OF WORKS OF CERTAIN LAND RECLAIMED FROM THE RIVER THAMES IN PURSUANCE OF THE THAMES EMBANKMENT ACT, 1862. [21st July 1873.]

[*Preamble recites (inter alia) 25 & 26 Vict. c. 93, and that by the Thames Conservancy Act, 1857,† and an arrangement made between the Crown and the Corporation of the City of London so much of*

* Now the Mayor, Aldermen, and Burgesses of the Municipal Borough of Hornsey.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

‡ Rep. and replaced by the Thames Conservancy Act 1894 (see Appendix).

the soil and foreshore of the Thames below Teddington Lock as was opposite any land belonging to or in the possession of the Crown or any Department of the Government (and in this Act called the reserved land) was reserved to the Crown, and the residue of such soil and foreshore (in this Act called the conservancy land) was vested in the Conservators of the River Thames for all the estate and interest of the Crown and the said Corporation therein subject to an obligation on the part of the Conservators to pay to the Crown one-third of all moneys that might be received by them in respect of such conservancy land; and that previously to the year 1862 the Crown was also possessed of valuable water frontage, wharfage, and other rights (in this Act called "frontage rights") on the northern shore of the Thames between Westminster and Blackfriars Bridges; and that by 25 & 26 Vict. c. 93, 5½ acres of the reserved land and the said frontage rights and part of the conservancy land were taken by the Metropolitan Board of Works for the purposes of that Act; that the reserved land after deducting the said 5½ acres as aforesaid taken by the Board is in this Act called the residuary reserved land, and that it is expedient that the Board should be empowered to take a further portion of the residuary reserved land (in this Act called the red land) containing about 7,300 square yards adjacent to the gardens of Fife House Whitehall, coloured red and more particularly described on a plan in this Act called the deposited plan marked A. and signed by one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and deposited at the office of Land Revenue Records and Inrolments; and that the lands coloured blue on the deposited plan are vested in the Board subject to the provisions of 25 & 26 Vict. c. 93, and 31 & 32 Vict. c. cxi.; and that certain negotiations have taken place and the heads of arrangement set forth in the schedule to the Act were adjusted as proper to be recommended to Parliament.]

Short title.

1. This Act may be cited for all purposes as *The Thames Embankment Land Act, 1873.*

Heads of arrangement in schedule confirmed.

2. The heads of arrangement set forth in the schedule to this Act are by this Act confirmed, and are declared to be valid and binding for all intents and purposes on Her Majesty, her heirs and successors, and on the Metropolitan Board of Works* and their successors; and the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, and the Metropolitan Board of Works* are respectively empowered to execute all such conveyances and do all such other acts as may be necessary to carry out and give full effect to the said heads of arrangement, and all such conveyances shall be valid and have full effect.

Provisions as to the blue land.

3. The land in the said heads of arrangement mentioned as coloured blue shall, when conveyed to the Crown, be held freed and discharged from all the provisions of the *Thames Embankment Act, 1862*, and the *Thames Embankment (North and South) Act, 1868.*

Appropriation of lands.

4. All lands acquired by the Metropolitan Board of Works* in pursuance of this Act shall be appropriated for the purposes of a public garden, and shall be maintained by them as such; and section four of the *Thames Embankment (North) Act, 1872*, enabling the Metropolitan Board of Works to make byelaws, shall

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

extend and apply to the lands to be appropriated by them as aforesaid for the purposes of a public garden : Provided always, that no portion of such public garden shall be higher than six feet above the level of the adjoining footpath on the Embankment roadway. [See note on section incorporated.]

5. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875—1994.*]

THE SCHEDULE.

CROWN LAND ON THE THAMES EMBANKMENT.

HEADS of ARRANGEMENT proposed to be submitted for the consideration of Parliament by the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, and the Metropolitan Board of Works, herein-after called the Board.*

1. These heads of arrangement are not of themselves to have any force or validity, but they embody the terms which, in the opinion of the above-named Charles Alexander Gore, on behalf of the Crown, and of the Board, may properly be submitted for the consideration of Parliament as a settlement which, in the interest of the public, may be advantageously made in regard to the matter which is the subject of the arrangement.

2. The arrangement is only to take effect in the event of the Board being authorised by Parliament in the present session to acquire, and thereafter duly acquiring, Northumberland House and certain other property of the Most Noble Algernon Duke of Northumberland which is scheduled in the book of reference to the Charing Cross and Victoria Embankment Approach Bill now before Parliament. [See 36 & 37 Vict. c. c.].

3. For the considerations herein-after mentioned, the said Charles Alexander Gore, or the Commissioner or Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being (having the management of the property), are or is to convey, subject to the interest of the Metropolitan District Railway Company in a small portion thereof, to the Board the land near the gardens of Fife House, Whitehall, and containing 7,300 square yards, or thereabouts, which is coloured red on a plan signed by the said Charles Alexander Gore, and deposited at the office of Land Revenue Records and Inrolments, herein-after called the deposited plan. Such land is herein-after called the "red land."

4. The red land when conveyed to the Board shall, within six months after the same is acquired by them, be formed and laid out, and shall for ever thereafter be maintained by the Board as an ornamental public garden, with lawns, gravel walks, flower beds, and shrubberies, the surface of the soil not being in any place more than six feet above the level of the existing foot pavement of the Embankment roadway, and no building or erection shall at any time be placed on the red land.

5. In lieu of the wall or fence which by section 72 of the Thames Embankment Act, 1862, the Board are to erect between the red land and the roadway on the Embankment, the Board will construct and maintain between the red land and the adjoining garden, in the

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

occupation of Lord Gage, a proper closed fence, not less than 8 feet in height above the surface of the public garden adjoining such fence, standing on a kerb wall, and being supported by iron railings.

6. As the consideration for the red land, the Board, after it shall have acquired Northumberland House, but not before, is to convey to the Crown, free from all the provisions of the Thames Embankment Act, 1862, and the Thames Embankment (North and South) Act, 1868, certain land at the north-west corner of the red land, containing 1,060 square yards, or thereabouts, and coloured blue on the deposited plan. The said land so coloured blue is herein-after called the blue land. And the Board is also to pay to the Crown the sum of £3,270.

7. The general line of frontage of the main building or buildings to be erected on the blue land (when conveyed to the Crown), and on the Crown land on the westward side of the red land, shall not be nearer to the line of the terrace wall shown on the deposited plan than 30 feet, and the intervening space between any buildings which may be erected on the blue land or on the said Crown land shall be separated from the public garden on the red land and on the land to the eastward of the blue land by a terrace wall of an ornamental character (of which the design is to be approved by the Board). And such terrace wall shall be erected on the site marked terrace wall on the deposited plan, and the said terrace wall shall not be more than 15 feet in height (exclusive of the balustrade thereon) above the pavement of the footway on the Embankment roadway, and no openings for light or means of access to the public garden shall be made in such terrace wall.

Dated this twenty-fifth day of April 1873.

CHARLES A. GORE.

Witness,

E. BLOOMFIELD,
Solicitor's Department,
Metropolitan Board of Works.

Sealed by order,
J. E. WAKEFIELD,
Clerk of the Board.



CHAPTER VII.

AN ACT FOR AMENDING AND EXTENDING THE THAMES EMBANKMENT ACTS, 1863 AND 1864; AND FOR OTHER PURPOSES.

[24th April 1873.]

[*Preamble recites 26 & 27 Vict. c. 75 (in this Act called the Act of 1863), and in particular ss. 2 and 14 thereof; and that by 27 & 28 Vict. c. cxxxv. (in this Act called the Act of 1864) the Metropolitan Board of Works* (in this Act called the Board) was empowered to embank part of the Thames on the south side thereof, and that the embankment is now known as the Albert Embankment.*]

Short title.

1. This Act may be cited as The Thames Embankment (South) Act, 1873.

Transfer to
Board of
obligations
as to repairs,

2. The embankment wall and the footway adjoining the embankment shall (notwithstanding anything in the Acts of 1863 and 1864) be under the management, control, and authority of the Board,

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

and they shall have the sole power, authority, and duty of paving, etc. of embankment wall and footway, repairing, cleansing, and lighting the same; and the said embankment wall and footway, and the trees, lamp-posts, and other things thereon are hereby vested in and the same shall belong absolutely to the Board. [See 35 & 36 Vict. c. lxvi. s. 3, and note thereon.]

3—4. [As to byelaws. Superseded 40 Vict. c. viii. ss. 3, 4, and 10. See also 53 & 54 Vict. c. cexliii. ss. 14—21; and 61 & 62 Vict. c. cexxi. s. 61.]

5. [Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv.; and the London County Council (Money) Acts 1875—1904.]

6. [Expenses of obtaining Act. Spent.]

CHAPTER LXXXVI.

*AN ACT TO CONFIRM A SCHEME UNDER "THE METROPOLITAN COMMONS ACT, 1866," RELATING TO TOOTING BECK COMMON.

[7th July 1873.]

[Preamble recites that the Inclosure Commissioners for England and Wales have in pursuance of "The Metropolitan Commons Act 1866" duly certified a scheme for the establishment of local management with respect to Tooting Beck Common, situate in the parish of Streatham in the county of Surrey.] [Be it enacted]

1. That the scheme for the establishment of local management with respect to Tooting Beck Common, situate in the parish of Streatham in the county of Surrey,† certified by the Inclosure Commissioners for England and Wales under their seal on the thirteenth day of February one thousand eight hundred and seventy-three, and contained in the schedule hereunto annexed, be hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Scheme as to Tooting Beck Common certified by Inclosure Commissioners confirmed.

2. This Act may be cited for all purposes as "The Metropolitan Commons Supplemental Act, 1873." Short title.

SCHEDULE.

SCHEME FOR THE ESTABLISHMENT OF LOCAL MANAGEMENT WITH REFERENCE TO TOOTING BECK COMMON.

[Recitals (inter alia) of an agreement by Beriah Drew and Philip William Flower to sell and by the Metropolitan Board of Works (hereinafter referred to as "the Board"‡) to purchase the manor of Tooting Beck, subject to certain stipulations as set out in the schedule to this Scheme; and that the commons or waste lands belonging to the said manor are delineated on a plan deposited with the Inclosure Commissioners, and that it is intended that the Board shall take a conveyance thereof.]

1. From and after the completion of the said purchase by the Board, the commons or waste lands delineated in the said plan, and therein edged with green (in this Scheme referred to as "the Common"), shall for the purposes of this Scheme be regulated and managed by the Board.

2. [Power to appoint officers. Superseded by the Municipal Corporations Act 1882, ss. 19 and 20 (see Appendix), and 51 & 52 Vict. c. 41, s. 75. See also 18 & 19 Vict. c. 120, s. 202.]

* See also 62 & 63 Vict. c. cexxxvii. ss. 29 and 30, and 4 Edw. 7, c. cexliv. part vi.

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

3. The Board may drain, plant, ornament, and improve the Common as may be necessary, and for the purpose of preserving the turf and grass may inclose by fences for short periods such portions as may require rest to revive the same, and for the further protection of the Common may put up a post and chain defence against the straying of cattle along such portion of it as is marked by a dotted line in red on the said plan. No house or any other buildings shall be erected on the Common, except such lodges or other buildings as may be necessary for the maintenance or management of the said Common or recreation ground. The Board may from time to time erect on the Common such lodges and other buildings as may be necessary for the maintenance or management of the said Common or recreation ground. [*See also* 50 & 51 *Vict. c. cvi. s. 50, and* 58 & 59 *Vict. c. cccxvii. s. 45.*]

4—5. [*As to byelaws. Superseded* 40 *Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. cxxliii. ss. 14—21; and* 61 & 62 *Vict. c. cxxxi. s. 61.*]

6. The Board shall be at liberty to receive and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

7. [*Expenses of obtaining and executing the Scheme. Spent in part. Remr. superseded* 51 & 52 *Vict. c. 41, part iv.*]

8. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875—1904.*]

9—10. [*Penalties and byelaws. Note on clauses 4—5 applies.*]

11. The trustees for the poor of the parish of Streatham, the devisees of the late Mr. George Phillips, Mr. Samuel Martin, and the trustees of the will of Robert Brown Russel, deceased, claim to be entitled to rights of common of pasturage over and upon Tooting Beck Common. The Master, Fellows, and Scholars of Emmanuel College, Cambridge, claim to be entitled to the soil and herbage of a certain portion (about 3 roods) of the land included in this Scheme, and Mr. John Kymer claims a certain small strip.

This Scheme affects the several rights and interests in, over, and upon Tooting Beck Common by conferring on the Board power to purchase the same compulsorily, with a view to their absolute extinction.

The trustees for the poor of Streatham consent to the Scheme provided compensation be given for any rights taken away or prejudicially affected by it. The Master, Fellows, and Scholars of Emmanuel College, Mr. John Kymer, the devisees of the late Mr. George Phillips, and the trustees of the will of Robert Brown Russel, deceased, do not consent to the Scheme. Mr. Samuel Martin does not oppose the Scheme.

12. Printed copies of this Scheme shall at all times be sold at the office of the Board to all persons desiring to buy the same, at a price not exceeding 2s. 6d. each.

The SCHEDULE above referred to.

[*Provisions to take effect in the event of the Common not being dedicated as therein mentioned to the public under the Metropolitan Commons Act 1866, or other Act of Parliament within five years from 17th December 1868. Spent.*]

CHAPTER C.

AN ACT FOR MAKING A NEW STREET FROM CHARING CROSS TO THE VICTORIA EMBANKMENT. [7th July 1873.]

[*Preamble.*]

Short title.

1. This Act may be cited as “The Charing Cross and Victoria Embankment Approach Act, 1873.”

2. [*Incorporation of Lands Clauses Acts. Spent.*]

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The word “streets” shall include streets, courts, alleys, highways, roads, thoroughfares, or public passages or places ;

The term "improvement" means the new street and works connected therewith by this Act authorised ;

The expression "the Board" * means the Metropolitan Board of Works :

[Parts omitted (definitions of "Justice," "two Justices," "lessee," and as to meanings of words in Acts incorporated) spent.]

4. The Board may construct a new street in the parish of St. Martin in the Fields, in the county of Middlesex,† commencing at Charing Cross, and terminating at the Victoria Embankment, near the Charing Cross station of the Metropolitan District Railway. Power to make new street.

5. [Improvement to be made according to plans deposited with the Clerk of the Peace for Middlesex. Spent.]

6. [Confirmation of two agreements dated 28th February 1873 set forth in the schedule to the Act, one made between the Duke of Northumberland and Earl Percy and the Board, and the other between the said Duke and the Board, for the sale to the Board of Northumberland House and other properties therein mentioned. Spent.]

7—12. [Power to the Board to stop up ways during works, to raise or lower streets, to deviate, to make subsidiary works, to alter gas and water pipes, and to lay out carriage ways, etc. Spent.]

13. [As to laying of pavements and vesting the same when made in the Vestry of St. Martin in the Fields.‡]

14. [Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.]

15. [Power to the Board to alter steps, areas, pipes, etc. Spent.]

16. [Ground laid into streets to form part thereof, to be used by the public, and to be under the management of the said Vestry.‡]

17—21. [Errors and omissions in plans—Power to the Board to sell materials and to survey land to be taken—As to compensation—Deficiencies of land tax during works. Spent.]

22—24. [Power to the Board to grant building leases of surplus lands—As to sale of ground rents and reversions thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. cccxxvii. s. 23. See *ibid.* ss. 19—22.]

25. [Time for sale of surplus lands limited to 10 years from completion of improvement. Superseded 47 & 48 Vict. c. 50, s. 23.]

26. The receipt of the Board for any purchase moneys, rents, or profits, or other money payable to the Board by virtue of this Act, shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received, and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received. Receipts of Board to be effectual discharges.

27. Whereas by the Thames Embankment Act, 1862, (section 54,) the Board were required to appropriate and set apart so much of the land to be acquired by them under the powers of that Act lying For protection of the Craven estate.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

‡ Now Mayor, Aldermen, and Councillors of the City of Westminster. See 62 & 63 Vict. c. 14, s. 4; and Letters Patent, dated 27th October 1900.

southward of the Craven estate as was necessary for the formation of a public street of not less than sixty feet in width in continuation of Craven Street, up to and to communicate with the new street fourthly described in the said Act, and which land was not to be used for any other purpose: And whereas by the Thames Embankment (North and South) Act, 1868, (section 28,) it is enacted that the before-mentioned section of the Act of 1862 as to the appropriation of land for the purposes of the continuation of Craven Street shall extend and apply to all lands purchased by the Board under the powers of the said Act of 1862 [*sic*], whether part of the Craven estate or lying southward thereof, and as if the street No. 3 by the Act of 1868 authorised were mentioned in the said 54th section of the said Act of 1862, instead of the street in that Act fourthly described: And whereas the continuation of the said Craven Street has not yet been made: And whereas certain parts of the said Craven estate are sought to be acquired by the Board under the powers of this Act, and it has been agreed with William George Craven, Esquire, the owner of the said estate, that the following provisions shall be in force for the benefit of his estate instead of the before-mentioned enactments of the said Acts of 1862 and 1868: Therefore those enactments shall be and the same are hereby repealed, and instead thereof the following provisions shall be in force:

The Board shall remove the railings at the end of Craven Street, and make, within seven years after the passing of this Act, a street not less than thirty-six feet wide in continuation of Craven Street, up to and to communicate with the street No. 3 by the before-mentioned Act of 1868 authorised.

Any buildings which may be erected under the powers of this Act on the easternmost side of the continuation of Craven Street shall not extend beyond the present line of buildings on the easternmost side of that street.

[Part omitted (Board not to take lands of Mr. Craven, numbered 50, 51, 52, 53, 55, and 56 on the deposited plans except by agreement, but may purchase Mr. Craven's interest in Nos. 25 and 26 Craven Street) spent.]

The
properties
numbered
57, 58, and
59 may be
built upon.

28. Notwithstanding anything in the said Acts of 1862 and 1868, or either of those Acts, contained, the Board may, subject to the provisions and restrictions of this Act, set apart and appropriate for building purposes the properties numbered respectively 57, 58, and 59.

53rd section
of Act of
1862 not to
apply to
this Act.

29. Nothing in the 53rd section of the Thames Embankment Act, 1862, contained, restricting the erection of buildings upon certain lands acquired from the Most Noble Algernon late Duke of Northumberland shall extend or apply to any lands purchased under the powers of this Act.

Plan of new
buildings to
be submitted
to Council of
the Royal
Institute of
British
Architects.

30. The architectural elevations of all buildings to be erected under this Act, fronting the new approach to the Thames Embankment, or fronting any street to be made under this Act, shall be submitted by the Board to the consideration of the council of the Royal Institute of British Architects previous to the commencement of any such buildings.

31. *[Period for purchase of lands limited to 5 and for construction of works to 7 years. Spent.]*

32. [*Saving the rights of the Crown.*]

33. [*Power to the Board to apply existing funds to the purposes of this Act. Spent.*]

34. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875—1904.*]

35. [*Expenses of obtaining Act. Spent.*]

SCHEDULE. [*Agreements referred to in s. 6. Spent.*]

CHAPTER CCXVIII.

* AN ACT TO MAKE BETTER PROVISION FOR THE SEWERAGE OF A PART OF THE PARISH OF BECKENHAM IN THE COUNTY OF KENT ; AND FOR OTHER PURPOSES. [5th August 1873.]

[*Preamble recites that the Board of Works for the Lewisham district (in this Act called the Lewisham Board of Works†), constituted under 18 & 19 Vict. c. 120, are empowered to make sewers for the effectual drainage of their district, comprising the parish of Lewisham and the hamlet of Penge, which parish and hamlet are separated from one another by a piece of land part of the parish of Beckenham, but that the parish of Beckenham is not comprised in the district of the Lewisham Board of Works,‡ and is beyond the limits of the metropolis as defined by 18 & 19 Vict. c. 120 ; and that the Lewisham Board of Works† have made a sewer, called the Penge and Bell Green sewer, for the drainage of part of their district, and have carried the said sewer through part of the hamlet of Penge, and thereout across the said piece of land, in the parish of Beckenham, into and through part of the parish of Lewisham, and so into the Ravensbourne and Sydenham main sewer of the Metropolitan Board of Works‡; and that the parish of Beckenham is comprised in the Bromley Poor Law Union, which union forms a rural sanitary district within the Public Health Act, 1872.§ and that the guardians of that union, or a committee appointed by them, are the rural sanitary authority of that district ; and that a considerable part of the sewage arising within the area of the said piece of land, in the parish of Beckenham, finds its way into the Penge and Bell Green sewer without any contribution from the parochial authorities within that area towards the cost of the said sewer or of the Ravensbourne and Sydenham main sewer, and that it is reasonable that the use of the said sewers should be paid for by the district benefited thereby ; and that on sanitary and other grounds it would be of great local and public advantage if the guardians of the Bromley Union were admitted within the drainage area of the Metropolitan Board of Works,‡ and empowered and required to use the Penge and Bell Green sewer (in that part thereof where it crosses the piece of land aforesaid separating the parish of Lewisham from the hamlet of Penge) for the purposes of the more effectual drainage of that portion of the parish of Beckenham which is shown on a map prepared for the purposes of this Act, and authenticated by the signatures of Samuel Edwards on behalf of the Lewisham Board of*

* Ss. 8—12, 14, 15, 17, and 19 of 57 & 58 Vict. c. cexii. are applied to Beckenham sewerage area by Penge and Beckenham Drainage Scheme 1901, made under 62 & 63 Vict. c. 14.

† Now the Council of the Metropolitan Borough of Lewisham. See 62 & 63 Vict. c. 14, s. 4.

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (*).

§ Rep. and replaced by the Public Health Act 1875.

Works, and of Joseph William Bazalgette on behalf of the Metropolitan Board of Works,† and is thereon distinguished by a green colour, and which portion of the said parish of Beckenham is in this Act referred to as the Beckenham sewerage area.]*

Short title.

1. This Act may be cited as the Beckenham Sewerage Act, 1873.

Interpretation of terms.

2. In this Act the expression the guardians shall mean . . . any sanitary authority for the time being having by law the control or management of the sewerage of the said Beckenham sewerage area as defined by this Act. [*Part omitted (inclusion of the guardians of the Bromley Poor Law Union in the definition of guardians) superseded by Order of the Local Government Board of 26th April 1876, made under s. 270 of the Public Health Act 1875, creating the Beckenham Local Board‡.*]

Custody of map.

3. The Lewisham Board of Works* shall, within one month after the passing of this Act, deposit the said map with the Clerk of the Peace for the County of Kent, and the same shall be kept subject and according to the provisions of the Public General Act passed in the session of Parliament of the seventh year of the reign of King William the Fourth and the first year of the reign of Her present Majesty, chapter eighty-three, and also deposit a duplicate of the said map with the clerk of the guardians, and any ratepayer of the parish of Beckenham may inspect the same on reasonable notice.

Lewisham Board to put Penge and Bell Green sewer into repair, etc.

4. The Lewisham Board of Works* shall, on or before the twenty-fifth day of March one thousand eight hundred and seventy-four, put the said Penge and Bell Green sewer into a fit, efficient, and proper state of repair in all respects, and shall at all times keep and maintain the same in good, efficient, and complete repair in all respects.

Use by guardians of Penge and Bell Green sewer, subject to conditions.

5. Subject to the provisions of this Act, the guardians shall, with all reasonable dispatch after the passing of this Act, connect all or any of the drains or sewers already made or hereafter to be constructed upon or within the Beckenham sewerage area with the Penge and Bell Green sewer within the parish of Beckenham, subject to the following conditions: (namely.)

(1.) Before commencing the construction of any such sewer the guardians shall submit to the Lewisham Board of Works* and to the Metropolitan Board of Works† a plan of the street or place in which they propose to construct it, drawn to such a convenient scale as the said respective Boards from time to time require, and showing the position, course, and dimensions of the proposed sewer, with a section thereof, and such other particulars relative thereto as the said Boards from time to time may reasonably require:

(2.) The guardians shall not proceed with any such sewer or works without the approval in writing or in contravention of the directions of the said respective Boards, and the guardians shall comply with all such orders and directions from the Metropolitan Board of Works† as that Board shall make and give in connexion with the works under the Act affecting the main drainage of the metropolis:

* Now the Council of the Metropolitan Borough of Lewisham. See 62 & 63 Vict. c. 14; s. 4.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

‡ Now the Beckenham Urban District Council. See the Local Government Act 1894 (see Appendix).

- (3.) The guardians shall give three clear days notice in writing to the Lewisham Board of Works before connecting any sewer with the Penge and Bell Green sewer, and the necessary junction or communication for that purpose shall be made to the reasonable satisfaction of the Lewisham Board of Works.

[*Part omitted (expenses of obtaining Act) spent.*]

6. The guardians shall not, without the consent of the Lewisham Board of Works* and of the Metropolitan Board of Works,† permit or suffer any district or place beyond the area under the jurisdiction of the Metropolitan Board of Works,† other than the Beckenham sewerage area, to drain into or otherwise to be connected with any sewer or sewers for the time being discharging into the said Penge and Bell Green sewer, and no such other district or place shall have any such power, notwithstanding any powers in any general Act to the contrary.

Sewage of other districts not to pass into Penge and Bell Green sewer.

7. The guardians shall in exercise of the powers of this Act, so far as is practicable, prevent the storm waters of their district from flowing into the sewers within the Beckenham sewerage area, and thereby into the Penge and Bell Green sewer.

Stormwaters, so far as practicable, to be excluded from sewers.

8. The guardians shall, on or before the twenty-fifth day of March one thousand eight hundred and seventy-four, pay to the Lewisham Board of Works* the sum of one thousand and sixty-two pounds and ten shillings, and shall pay to that Board a yearly sum equal to the amount that would be produced by a rate of one half-penny in the pound on the annual rateable value of the property in the Beckenham sewerage area assessable to the rate for the relief of the poor, which yearly sum shall be payable half-yearly on the twenty-ninth day of September and the twenty-fifth day of March in each year, and the first half-yearly payment shall be made on the twenty-ninth day of September one thousand eight hundred and seventy-four.

Payments by guardians to Lewisham Board.

9. If and whenever it may be necessary in making any rate for any of the purposes of this Act to apportion any assessment upon any property in the parish of Beckenham between so much of that parish as is within the Beckenham sewerage area and the remainder of that parish, the overseers of the poor of that parish shall forthwith give notice in writing of every such assessment and the apportionment thereof to the Lewisham Board of Works, and if the said Board object to any such apportionment they shall, within twenty-one days after the receipt of such notice, give to the said overseers notice in writing of such their objection, stating the ground thereof, and thereupon the matter in difference (if any) shall, upon the application of either party (after fourteen clear days notice given to the other party), be referred to the determination of the metropolitan police magistrate for the time being sitting at the police court at Greenwich, whose decision thereon shall be final, binding, and conclusive on all parties; and the costs of and incident to such determination shall be in the discretion of such magistrate, and such magistrate shall have power to alter and shall alter any such rate accordingly: Provided nevertheless, that it shall not be

As to apportionment of assessments.

* Now the Council of the Metropolitan Borough of Lewisham. See 62 & 63 Vict. c. 14, s. 4.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (S).

required of the said overseers to give to the said Lewisham Board * the notice herein-before specified except in the following cases ; namely,

3. As to any such assessment and apportionment thereof made after the passing of this Act which shall differ from the last preceding assessment or apportionment thereof.

[*Part omitted (as to assessments existing at the passing of this Act and first made thereafter) spent.*]

Contributions
to be paid by
guardians to-
wards cost of
main drain-
age system.

10. For the purpose of contributing to the cost incurred by the Metropolitan Board of Works † in respect of their main drainage system the guardians shall pay to the treasurer of the Metropolitan Board of Works † the several sums after mentioned at the times and during the periods following ; (that is to say,)

- (2.) A yearly sum sufficient to provide the requisite interest and sinking fund in respect of such a proportion of the money borrowed by the Metropolitan Board of Works † for main drainage purposes before or after the passing of this Act, and for the time being undischarged, as the annual rateable value of the property within the Beckenham sewerage area assessable to the rate for the relief of the poor bears to the annual rateable value of the property in the metropolis liable in respect of main drainage charges :
- (3.) The yearly sum aforesaid shall be paid in every year during the residue to come at the passing of this Act of the period of sixty years from the time of the first creation by the Metropolitan Board of Works † of any metropolitan consolidated stock :
- (4.) The yearly sum aforesaid shall be paid for the first year on the twenty-ninth day of September one thousand eight hundred and seventy-four, and for every subsequent year on such day in each year as shall be specified in that behalf in a notice in writing to be delivered by the Metropolitan Board of Works † to the clerk of the guardians on or before the first day of May in each year, but so that the day so specified for payment be not sooner than three months after the date of delivery of the notice :
- (5.) The guardians shall also pay such further yearly sum as the Metropolitan Board of Works † in each year (as well during the residue aforesaid of the said period of sixty years as after the expiration of that period), by notice in writing delivered by the Metropolitan Board of Works to the clerk of the guardians on or before the first day of May in each year, shall require the guardians to pay as a contribution towards the cost of the maintenance and working of the main drainage system of the Metropolitan Board of Works † :
- (6.) Provided that the amount of any such further yearly sum as last aforesaid shall not exceed a sum which shall bear to the whole expense incurred by the Metropolitan Board of Works † in the maintenance and working of their main drainage system the same proportion as the annual rateable value of the property within the Beckenham sewerage

* Now the Council of the Metropolitan Borough of Lewisham. See 62 & 63 Vict. c. 14, s. 4.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

area assessable for the relief of the poor bears to the annual rateable value of the property in the metropolis liable in respect of main drainage charges.

[Part omitted (as to payments by the guardians to the Metropolitan Board of £2,312 10s. before 25th March 1874 towards the cost of the Ravensbourne and Sydenham main sewer and apportionment of such amount) spent.]

11. In case of any default or neglect on the part of the guardians to pay in full and in accordance with this Act any amount payable by them under this Act to the Lewisham Board of Works* or the Metropolitan Board of Works,† in every such case those two Boards jointly, or either of them (as the case may require), may appoint persons to levy within the Beckenham sewerage area the amount in arrear and all expenses connected therewith and occasioned by such default or neglect, and the persons so appointed shall in relation thereto proceed in the like manner, and have the like powers, remedies, and privileges, and be subject to the like regulations and penalties, as if they were overseers of the poor of the parish of Beckenham acting under an order of the guardians.

Power for Lewisham and Metropolitan Boards to levy in default of guardians.

12. The Lewisham Board of Works* and the Metropolitan Board of Works† respectively may by their proper officer from time to time inspect any poor rate made for the parish of Beckenham, and also any rate made in pursuance of this Act, and may take any copy or extract thereof or therefrom respectively without payment, and if the person having the custody thereof respectively does not allow either of those Boards to do so he shall for every such offence be liable, on summary conviction before two justices, to a penalty not exceeding ten pounds.

Inspection of rates.

13. Subject to the provisions of this Act, the guardians may, for the purpose of defraying the costs, charges, and expenses which they may have incurred or may incur, or become liable to pay, for or on account of anything done preliminary to or in consequence of, or incidental, or in anywise relating to the introduction, progress, or passage through Parliament of the Bill for this Act, including the settlement and adjustment of the clauses and provisions thereof, and also including the costs, charges, and expenses which, as herein-before provided, the guardians are required to pay to the Lewisham Board of Works,* and for the defraying and paying of the pecuniary requirements, payments, and obligations whatsoever imposed and authorised by this Act, and in anywise arising out of, under, or by virtue of this Act or of any Acts, either expressly or by reference, incorporated therewith, when and as they shall think fit, issue their precept to the overseers of the poor of the parish of Beckenham requiring them to pay over to the guardians the amount specified therein, and in order to comply therewith the said overseers shall, by a day not less than one calendar month from the date thereof, and to be therein named, levy within the Beckenham sewerage area, as defined by this Act, a rate herein-after called the special drainage rate; and such overseers and all other persons and bodies shall, in relation thereto, proceed in like manner, and have the like powers, remedies, and privileges, and be subject to the like exemptions, regulations, and penalties, as are contained in the 18th and 19th sections of "The Public Health Act, 1872,"‡ with refer-

Power to guardians to levy rates for the purpose of Act.

* Now the Council of the Metropolitan Borough of Lewisham. See 62 & 63 Vict. c. 14, s. 4.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (S).

‡ Rep. and replaced by the Public Health Act 1875.

ence to the levy of rates, and as if the Beckenham sewerage area were a contributory place within the meaning of "The Public Health Act, 1872." *

Provisions as to general district rates to apply to special drainage rates.

14. The several powers and provisions of the Local Government Acts with respect to the making, levying, collection, and recovery of general district rates, and with respect to exemptions and limitations, shall extend and apply to the special drainage rates under this Act.

Amount of rate to include expenses of recovering it.

15. The amount of any special drainage or other rate under this Act may be such an amount as will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Occupiers to pay special drainage rate and deduct same from rent.

16. The occupiers of property in the Beckenham sewerage area rated or to be rated under this Act shall pay the special drainage rate assessed thereon, and may deduct the amount so paid from and out of the rents payable by them to the lessors or landlords which shall become payable next after the payment of any such rate: Provided that this enactment shall in nowise prejudice or affect any agreement already or hereafter to be made between any owner or landlord and his tenant of the property so to be rated: Provided also, that where any such property is unoccupied at the time of making any special drainage rate, the owner thereof shall pay the amount of such special drainage rate thereon without prejudice to any agreement as aforesaid.

Guardians empowered to borrow money, and Metropolitan Board of Works empowered, subject to certain restrictions, to lend the money.

17. The guardians from time to time, under the authority of this Act, in addition to any moneys they are authorised to borrow under "The Public Health Act, 1872," * or any Acts incorporated therewith, may borrow at interest on mortgage of "the special drainage rate," and of any other rates leviable by them within the Beckenham sewerage area, and either together or separately, all such sums as they may from time to time think requisite for any of the purposes of this Act; and every such mortgage may and shall be made in the manner prescribed by and subject to the provisions in relation to mortgages of the Sewage Utilization Acts,* subject to this qualification, that such moneys may be borrowed for any term not exceeding fifty years; and any money from time to time borrowed by the guardians for the purposes of this Act may, with the consent of the Commissioners of Her Majesty's Treasury, and on such terms and conditions as the said Commissioners from time to time think fit, be borrowed from and be lent by the Metropolitan Board of Works †; and section 37 of "The Metropolitan Board of Works (Loans) Act, 1869," shall apply to every such loan, with the substitution of the guardians and this Act and the other Acts empowering the guardians, for the managers and the Acts in that section mentioned, and with the omission of the reference in that section to the Poor Law Board, and with the addition to the amount in that section mentioned of the money from time to time borrowed by the guardians under the authority of this Act.

As to mortgages made with Metropolitan Board of Works.

18. Every mortgage made by the guardians for money borrowed by them from the Metropolitan Board of Works † may be made in such manner and form as the guardians and that Board agree upon, and subject and without prejudice to the other provisions of this

* Rep. and replaced by the Public Health Act 1875.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8)

Act any such mortgage shall be deemed a mortgage granted by the guardians under this Act and any other Act authorising the guardians to borrow money on mortgage, and in respect thereof the Metropolitan Board of Works * shall be deemed mortgagees of the guardians under the same Act or Acts, as the case may be.

37 & 38 VICTORIA. A.D. 1874.

CHAPTER 89.

AN ACT TO AMEND AND EXTEND THE SANITARY LAWS.

[7th August 1874.]

49. The keeper of every common lodging house which is registered under the Common Lodging Houses Acts . . . shall, when required to do so by the authority registering . . . the same, cause a notice with the words "Registered Lodging House," . . . to be affixed on some conspicuous place on the outside of the premises where the same can be seen by any inspector or officer of the sanitary authority.

Notices of common lodging houses and slaughter-houses to be affixed on premises.

Such notice shall be affixed within one month after the registration . . . , and shall be continued undefaced and legible so long as the premises are used for the purpose.

Every person who shall make default in this respect, or shall neglect or refuse to affix or renew such notice after requisition in writing from the sanitary authority, shall be liable to a penalty not exceeding five pounds for every offence, and of ten shillings for every day that the neglect shall continue after conviction.

[Parts omitted (as to slaughter houses) rep. 54 & 55 Vict. c. 76, s. 142, sch. 4.]

[The whole Act (except so far as relates to the metropolis or the metropolitan police district) rep. by the Public Health Act 1875, s. 343; and (except so much of ss. 46 and 49 as relates to common lodging houses) rep. by 54 & 55 Vict. c. 76, s. 142; s. 46 (as to confirmation of regulations made under 14 & 15 Vict. c. 28, s. 9) superseded by 2 Edw. 7, c. clxxiii. s. 53.]

CHAPTER X.

AN ACT FOR VESTING IN THE METROPOLITAN BOARD OF WORKS THE GARDEN OR INCLOSURE IN LEICESTER SQUARE IN THE COUNTY OF MIDDLESEX, AND FOR PROVIDING FOR THE MANAGEMENT THEREOF: AND FOR OTHER PURPOSES. [8th June 1874.]

[Preamble.]

1. This Act may be cited as "Leicester Square Act, 1874." Short title.
2. [Incorporation of Lands Clauses Acts. Spent.]
3. In this Act "the Board" means the Metropolitan Board of Works.* Interpretation of term.
4. Subject to the provisions of this Act the Board may enter on, take, and use the lands delineated on and described in the deposited Power to take certain land.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

plan and book of reference or any part thereof: Provided always, that nothing in this Act contained shall confer upon the Board any powers over any land not contained within the limits of the before-mentioned garden or inclosure.

5—6. [*Period for compulsory purchase limited to one year—Errors and omissions in plans. Spent.*]

Direction to make garden or inclosure a place of recreation.

7. The Board shall appropriate and set apart the garden or inclosure in Leicester Square aforesaid, when acquired by them under this Act, as a place of recreation for public or general use in such manner and to such extent as they from time to time think fit; and shall inclose, lay out, drain, plant, and ornament the same, and shall always keep the same open and unbuilt on.

8. [*As to byelaws. Superseded 40 Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. ccxliii. ss. 14—21; and 61 & 62 Vict. c. ccxxi. s. 61.*]

Penalty for injury to garden or inclosure.

9. If any police constable sees any person throwing any rubbish into the garden or inclosure aforesaid, or trespassing therein, or getting over the railings or fence thereof, or stealing or damaging flowers or plants therein, or committing any nuisance therein, he may apprehend the offender by the authority of this Act, and every such offender (whether so apprehended or not) shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings, or to imprisonment for any period not exceeding fourteen days.

10. [*Power to the Board to apply existing funds to the purposes of the Act. Spent.*]

11. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875—1904.*]

12. [*Saving s. 74 of London Central Railway Act 1871 and the agreement therein mentioned. Rep. by the London Central Railway (Abandonment) Act 1875.*]

Saving of Board.

13. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, or remedy which the Board would have had or might have exercised if this Act had not been passed.

14. [*Expenses of obtaining Act. Spent.*]

CHAPTER XCVII.

AN ACT FOR EMPOWERING THE METROPOLITAN BOARD OF WORKS TO CONSTRUCT A NEW ROAD NEAR FINSBURY PARK; FOR MAKING BETTER PROVISION FOR THE SEWERAGE OF THE DISTRICT OF THE SOUTH HORNSEY LOCAL BOARD; FOR AMENDING THE PROVISIONS RELATING TO THE NEWINGTON BUTTS IMPROVEMENT; FOR AUTHORISING THE METROPOLITAN BOARD OF WORKS TO PAY EXPENSES INCURRED IN RESPECT OF THANKSGIVING DAY; AND FOR OTHER PURPOSES. [16th July 1874.]

[*Preamble recites (inter alia) that by 20 & 21 Vict. c. cl. the Metropolitan Board of Works were empowered to make a park called Finsbury Park, and that it is expedient that they be empowered to make a new road in or near that Park, and that plans and sections of the proposed road have been deposited with the Clerk of the Peace for Middlesex.*]

1. This Act may be cited as the Metropolitan Board of Works Short title. Act, 1874.

2—3. [*Incorporation of Lands Clauses Acts—Interpretation of terms. Spent.*]

4—5. [*Power to take lands shown on deposited plans—Period for compulsory purchase limited to 3 years. Spent.*]

6. Subject to the provisions of this Act, the Metropolitan Board of Works may construct a new road, commencing at or near the Finsbury Park Tavern, skirting Finsbury Park on the northern and western sides thereof, and terminating in the road adjoining the Green Lanes. [*Varied 38 & 39 Vict. c. clxxix. ss. 24—25.*]

Power to make new road at Finsbury Park.

7. [*Works to conform to deposited plans—Powers to deviate. Spent.*]

8. The sections of the Finsbury Park Act, 1857, described in the schedule (A.) to this Act are hereby incorporated with this Act, and the same shall, for the purposes of this Act, be read and have effect as if the road authorised by this Act had been authorised by that Act as part of Finsbury Park and its approaches, and as if the deposited plan for this Act had been part of the deposited plans for that Act, and as if in those sections the expression “this Act” meant the present Act.

Incorporation of parts of Finsbury Park Act.

9. With respect to the completion and use of the road by this Act authorised, the following provisions shall have effect: (that is to say,)

Road substituted for roads required by Park Act.

(1.) The road which is intended to provide a thoroughfare from the Seven Sisters Road to the Green Lanes, and thereby secure the communications intended to be preserved by section 20 of the Finsbury Park Act, 1857, shall, when complete, be deemed to be in substitution for the roads required to be made by that section:

(2.) The road shall have a carriageway of a width of not less than twenty-six feet clear from curb to curb, and a footpath on each side of a width of not less than seven feet, and proper and sufficient screen fences where required for the safety of traffic between it and the railway, and the bridge crossing the New River shall be of the same width as to carriageway and footpaths as the road . . . : [*Part omitted (road to be completed and opened to the public within 2 years from the passing of the Act) spent.*]

(3.) No wall, fence, or other obstruction shall be placed by the Metropolitan Board of Works* between the road and the lands of Frank Willan where such lands abut on the road; the said lands shall have an uninterrupted building frontage to the road, but nothing herein contained shall affect the liability of the owner or occupier of any of such lands to fence or protect the same from the road, or from preventing cattle straying from such lands thereon: [*Varied 38 & 39 Vict. c. clxxix. s. 25.*]

(4.)—(5). [*The certificate of two Justices certifying that the road is complete to be conclusive evidence thereof. Spent.*]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

- (6.) On such a certificate being granted, the road shall become a public highway, and be repairable accordingly . . . : [*Part omitted (the expense of lighting and maintaining the road for the first 8 years after its opening to be paid by the Metropolitan Board of Works) spent.*]
- (7.) On such a certificate being granted, section twenty of the Finsbury Park Act, 1857, shall be repealed, and the Metropolitan Board of Works* may close Finsbury Park at night, and at such other times as they think expedient . . . : [*Part omitted (as to certain pending proceedings) spent.*]
- (8.) The present entrances to the park at the points marked A. B. 1. and B. 2. on a plan signed by Samuel Waterhouse, Esquire, chairman of the committee to whom this Act as a Bill was referred in the House of Commons, shall, after the formation of the road, be kept by the Metropolitan Board of Works* as means of access for carriages and foot passengers to the park from such road, and such entrances shall be open at such times as the other like public entrances to the park, and be subject in all respects to the . . . regulations and orders made by the Metropolitan Board of Works* from time to time under the Finsbury Park Act, 1857, and this Act. [*Varied 38 & 39 Vict. c. clxxix. s. 25. Word omitted ("byelaws") superseded by 40 Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. cclxlii. ss. 14—21; and 61 & 62 Vict. c. cccxi. s. 61.*]
10. [*As to compensation of the owner for the time being of the lands mentioned in s. 20 of 20 & 21 Vict. c. cl. by reason of the repeal of such section. Spent.*]

For protec-
tion of the
New River.

11. The bridge for carrying the road over the New River shall be constructed in conformity with the following regulations; (that is to say,)

The span of the bridge or distance between its piers, measured at right angles to the course of the said river, shall not be less than twenty feet, the clear height of such bridge from the highest water level of the said river to the under side or soffit of the arch or girder of the bridge shall at no place be less than two feet, and the piers of the said bridge shall be so constructed that the river channel between and near them may safely have a water depth of at least five feet; where the said road passes over the said river or causes any severance of the lands of the New River Company,† the Metropolitan Board of Works* shall provide convenient and proper crossings, either under or over the road, as a means of communication for the agents or servants of the New River Company† between the lands so severed:

In the event of any slip or rupture in the embankment of the said river by reason of the works or default of the Metropolitan Board of Works,* whether the same shall happen during the construction of the road or after the road shall have been completed and opened for traffic, or in the event of any loss to the New River Company† from any interruption

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

of their supply of water through any act or acts or default of the Metropolitan Board of Works,* their agents or contractors, the Metropolitan Board of Works* shall be answerable and shall pay to the New River Company† all damages arising therefrom, and be liable at all times thereafter to make good at their own expense whatever injury may be caused or done to the said river and banks: and any question which may arise as to any such expenses or damages shall, at the request of either party, be referred to a civil engineer to be appointed by the Board of Trade, and the award of every such engineer shall be final and conclusive:

All works in any way affecting the said New River or the banks thereof shall be done under the direction and to the reasonable satisfaction of the engineer of the New River Company.†

12. Nothing in this Act contained, or in any byelaw or regulation to be made by virtue hereof, shall alter, prejudice, or in any manner affect any right, duty, or obligation arising or existing between the Metropolitan Board of Works* and the East London Waterworks Company† respectively, under the indenture made between them, and dated the 19th day of August 1871.

For protection of East London Waterworks Company.

13.

(2.) The South Hornsey Local Board‡ shall not, without the consent of the Metropolitan Board of Works,* permit any district or place outside the area of the jurisdiction of that Board, other than the South Hornsey district, to drain into or otherwise be connected with any sewer of the South Hornsey Local Board‡ discharging into a sewer of the Metropolitan Board of Works,* and no such other district or place shall have any right to so drain or be connected, notwithstanding any provision in any general Act. [*Part omitted (admission of sewage of South Hornsey district into the Northern High Level and Middle Level sewers of the Metropolitan Board of Works*) rep. by the Borough of Stoke Newington (South Hornsey) Scheme 1901 made under 62 & 63 Vict. c. 14.*]

Board to admit sewage of South Hornsey district into Northern High Level and Middle Level sewers

14—20. [*Provisions as to contribution by and rating of South Hornsey district in respect of the said admission of sewage. Rep. by the said Stoke Newington Order in Council.*]

21. [*Extension of time respecting Newington Butts improvement under 35 & 36 Vict. c. clxiii. Spent.*]

22. [*Power for the Board to defray expenses relative to Thanksgiving Day (27th Feb. 1872). Spent.*]

23. [*Borrowing powers. Superseded by the London County Council (Money) Acts 1875—1904.*]

24. [*Expenses of obtaining Act. Spent.*]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (s).

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

‡ See the Council of the Metropolitan Borough of Stoke Newington. See the London (South Hornsey) Order in Council 1900, made under 62 & 63 Vict. c. 14.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

**Parts of Finsbury Park Act, 1857, incorporated.*

Number of Section.	Marginal note of Section.
Three . . .	Interpretation of terms.
Five . . .	Board to appoint committee to carry the Act into execution.
Six . . .	Members of committee not to be interested in contracts.
Ten . . .	Board may construct bridge over New River.
Eleven . . .	Power to Board to appoint officers, etc., and take security, if they think fit.
Sixteen . . .	Penalties on officers, etc., being interested in contracts, or exacting fees.
Seventeen . . .	Power to Board to divert streets, etc., making compensation to owners.
Eighteen . . .	Power to Board to stop up parts of carriage and foot ways of streets.
Twenty-one . . .	Sewers or drains to be arched over or filled up. Board, at the time of filling up any sewer, etc., to build a similar sewer, etc.
Twenty-two . . .	Power to Board to raise, sink, or alter water or gas pipes.
Twenty-three . . .	Power to take houses and land for the purposes of this Act.
Twenty-five . . .	Errors and omissions in plans, etc., may be corrected by Justices, who shall certify the same.
Twenty-six . . .	Board empowered to treat for the purchase of lands, etc.
Twenty-nine . . .	Provision for deficiencies in land tax.
Thirty-four . . .	Power to Board to sell land not wanted.
Thirty-five . . .	Receipt of Board to be effectual discharges.
Forty-six . . .	The Board may contract.

SCHEDULE (B.) [*Provisions as to construction of road authorised by the Act, Spent.*]

38 & 39 VICTORIA. A.D 1875.

CHAPTER 3.

AN ACT TO MAKE FURTHER PROVISION WITH RESPECT TO THE SALARIES OF THE MAGISTRATES OF THE POLICE COURTS IN THE METROPOLITAN POLICE DISTRICT. [19th March 1875.]

[*Preamble (reciting 2 & 3 Vict. c. 71, s. 9, and 18 & 19 Vict. c. 126, s. 19) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Salaries of
Magistrates
of metropo-
litan police
courts.

1. . . . There shall be payable out of the Consolidated Fund of the United Kingdom to the Chief of the Police Magistrates appointed to the metropolitan police courts in the metropolitan police district the yearly salary of eighteen hundred pounds, and to each of the other Magistrates so appointed the yearly salary of fifteen hundred pounds.

Every such salary . . . shall be payable at such intervals, not exceeding three months, as may be from time to time determined by the . . . Treasury.

[*Parts omitted (as to date of commencement of salaries and salaries to accrue from day to day and the words "Commissioners of Her Majesty's") rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

2. [*Repeal of enactments mentioned in the schedule. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

* See notes on sections incorporated which apply here.

3. This Act may be cited as the Metropolitan Police Magistrates Short title.
Act, 1875.

SCHEDULE. [*Acts repealed (viz. so much of s. 9 as relates to the salary of any Police Magistrate, and s. 11 of 2 & 3 Vict. c. 71; s. 19 of the Criminal Justice Act 1855; and so much of the Judges Salaries Act 1872 as relates to the salary of any Police Magistrate in the metropolis) rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

CHAPTER 21.

* AN ACT FOR AMENDING THE LAW RELATING TO HOUSES OF
PUBLIC DANCING, MUSIC, OR OTHER PUBLIC ENTERTAINMENT
OF THE LIKE KIND, IN THE CITIES OF LONDON AND WESTMINSTER.
[14th June 1875.]

[*Preamble (reciting 25 Geo. 2, c. 36) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

1. Section three of the recited Act shall be construed as if, instead of the proviso, "that no such house, room, garden, or other place kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of five in the afternoon," there were substituted the proviso, "that no such house, room, garden, or other place kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of noon."
Amendment of section 3 of 25 Geo. 2, c. 36.

Provided, that if on any special occasion an occasional license of exemption shall have been granted under the twenty-ninth section of the Licensing Act, 1872, in respect of any house, room, garden, or other place licensed under the recited Act, no penalty or forfeiture shall be incurred for contravention of section three of the recited Act, as hereby amended, on account of such house, room, garden, or other place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such occasional license as the hour for closing.

2. [*Commencement of Act (29th September 1874). Rep. 46 & 47 Vict. c. 39 (S.L.R.), and 56 & 57 Vict. c. 54 (S.L.R.).*]

3. This Act may be cited as The Public Entertainments Act, Short title.
1875.

CHAPTER 28.

AN ACT TO AMEND THE LAW RESPECTING THE SUPERANNUATION
ALLOWANCES OF CERTAIN OFFICERS OF THE STAFF OF THE
METROPOLITAN POLICE. [29th June 1875.]

[*Preamble (reciting 4 & 5 Will. 4, c. 24 (hereinafter referred to as the Superannuation Act 1834); 2 & 3 Vict. c. 47, s. 21; and the Superannuation Act 1859) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

1. . . . The Secretary of State may, as soon as conveniently may be . . . , by order make regulations respecting the grant to the Power to Secretary of State to make regulations

* Whole Act rep. as to the county of Middlesex by the Music and Dancing Licences (Middlesex) Act 1894, s. 2 (12).

as to super-
annuation for
officers of
staff of
Metropolitan
Police in
accordance
with the
principles
applicable
to civil
service.

officers of the staff of the Metropolitan Police mentioned in the schedule to this Act of superannuation allowances, compensations, gratuities, or other allowances, on the like principles and conditions as are in force at the passing of this Act with respect to persons in the permanent civil service of the State, with power to provide for the case of any such officer transferred to or from any office or employment remunerated out of any moneys raised in any part of Her Majesty's dominions by taxes or rates, penalties or fines, or any moneys applicable in aid or reduction of taxes or rates, or out of other public revenue in any part of Her Majesty's dominions, or any public office or employment in any part of Her Majesty's dominions remunerated by way of fees or otherwise.

A copy of the order proposed to be made in pursuance of this section shall be laid before both Houses of Parliament, and shall not be finally made by the Secretary of State until it has lain for not less than twenty days before Parliament, but such order when finally made by the Secretary of State shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

[Amended by the Police Act 1890, s. 32, and 60 & 61 Vict. c. 26, s. 5. Words omitted ("one of Her Majesty's principal Secretaries of State hereinafter referred to as" and "after the passing of this Act") rep. 56 & 57 Vict. c. 54 (S.L.R.).]

Power to
grant super-
annuation
allowances,
etc.

2. The Secretary of State may, under the circumstances authorised by the regulations under this Act, grant, if he think fit, to any of the officers of the staff of the Metropolitan Police mentioned in the schedule to this Act a superannuation allowance, compensation, gratuity, or other allowance, in accordance with the said regulations.

Where any superannuation allowance has been granted before the passing of this Act to any of the said officers under "The Superannuation Act, 1834," the Secretary of State may, if he think fit, grant to such officer, on his application a superannuation allowance in accordance with the regulations under this Act in lieu of the superannuation allowance so granted.

Every such grant shall be specified in the annual report laid before Parliament with respect to the Metropolitan Police, and shall state the special reasons (if any) for such grant.

[Amended by the Police Act 1890, s. 32, and 60 & 61 Vict. c. 26, s. 5.]

Fund for
payment of
superannua-
tion allow-
ances past
and future.

3. Every superannuation allowance which has been granted before the passing of this Act to any of the officers of the staff of the Metropolitan Police mentioned in the schedule to this Act, shall continue to be payable to such officer; and every such superannuation allowance, and every superannuation allowance, compensation, gratuity, or other allowance, which may be granted after the passing of this Act to any of the officers of the staff of the Metropolitan Police mentioned in the schedule to this Act, shall be deemed to be part of the expenses of the Metropolitan Police Force, within the meaning of the Police Rate Act, 1868, and shall be defrayed accordingly.

31 & 32 Vict.
c. 67.

4. *[Repeal of s. 21 of 2 & 3 Vict. c. 47. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]*

Short title.

5. This Act may be cited as The Metropolitan Police Staff (Superannuation) Act, 1875.

SCHEDULE.

OFFICERS OF STAFF OF METROPOLITAN POLICE TO WHOM ACT APPLIES.

Every person who has been employed, whether before or after the passing of this Act, under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, and is not a constable, and whose salary has been paid as part of the expenses of the Metropolitan Police Force.

CHAPTER 65.

AN ACT FOR FURTHER AMENDING THE ACTS RELATING TO THE
RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS,
AND FOR OTHER PURPOSES. [11th August 1875.]

[*Preamble rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

1. This Act may be cited as The Metropolitan Board of Works Short title.
(Loans) Act, 1875.

This Act shall be read and have effect as one with The Metro- Construction
politan Board of Works (Loans) Acts, 1869 to 1871. of Act.

2. [*Power for the Board to spend moneys on or in contributing to
improvements till 31st December, 1876. Rep. 46 & 47 Vict. c. 39
(S.L.R.).*]

3. [*Expenses for Fire Brigade purposes till 31st December 1876—* Power for
Rep. 46 & 47 Vict. c. 39 (S.L.R.).] Board to
expend for
Fire Brigade
purposes.

The Board * shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

4. [*Power to the Board to lend to vestries and district boards
constituted under 18 & 19 Vict. c. 120 till 31st December 1876.* Power for
Rep. 46 & 47 Vict. c. 39 (S.L.R.).] Board to lend
to vestry or
district
board.

Money lent by the Board * under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board * and the borrowers, with the approval of the Treasury, agree, not exceeding, in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board * shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

5. [*Power to the Board to lend to guardians of a union or parish
wholly or for the greater part within the metropolis till 31st
December 1876. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*] Power for
Board to lend
to board of
guardians.

Money lent by the Board * under this section shall, notwithstanding

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board * and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.

The Board * shall from time to time carry to the Consolidated Loan Fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for
Board to lend
to corpora-
tion, burial
board, etc.

6. [*Power to the Board to lend till 31st December 1876 to corporations, commissioners, burial boards, or other public bodies having power to levy rates in respect of land within the metropolis. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

Money lent by the Board * under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board * and the borrowers, with the approval of the Treasury, agree, not exceeding, in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan to be for not exceeding thirty years, the Board * shall, from time to time, carry to the Consolidated Loans Fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

7. [*Extension of amount which the Board may lend till 31st December 1876 to managers of the Metropolitan Asylum District. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

Power for
Board to
expend for
incidental
charges on
consolidated
stock.

8. The Board * may from time to time expend for composition for stamp duty, charges payable to the Bank of England, costs of advertising, brokers commission, and other expenses incidental to the raising of money by consolidated stock, such amount as they require for that purpose, and as the Treasury approve, and in order to raise the same may from time to time create consolidated stock.

9. [*Alteration of limit in 32 & 33 Vict. c. 102, s. 38, on the amount which the Board may borrow. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Repayments
to go to
Consolidated
Loans Fund.

10. All sums received by the Board * in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

11. [*Act not to affect loans resolved upon before its passing. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Future Loan
Bills to have
tables of in-
formation ac-
companying.

12. Where the Board * are desirous of obtaining a further Act empowering them to raise money, they shall cause the Bill for the same, as proposed to be submitted to Parliament, to be accompanied with tables giving such information as the Treasury require for the purpose of enabling a comparison to be made between the rateable value of the metropolis and the liabilities of the Board.*

Returns
respecting
money raised
and valua-
tion, lia-
bilities, etc.

13. The Board * shall every year frame and deliver to the Treasury returns showing—

i. All money raised by the Board * under this or any further Act for purposes mentioned in this Act ;

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

ii. In relation to every parish, district, union, or place in respect whereof a loan is obtained from the Board* under this Act or any further Act ;

of parishes and other districts.

- (1.) the annual rateable value of the property therein ;
- (2.) as nearly as may be, the actual indebtedness of each parish, district, union, or place in respect of loans previously contracted.

The Treasury shall cause every such return to be laid before both Houses of Parliament. [*See also 32 & 33 Vict. c. 102, s. 49.*]

14. Where any application for a loan is made to the Board by any body to which the Board* are authorised by this or any other Act to lend money, the Board* may, as a condition precedent to the making of the loan, and to the payment from time to time of any money as part thereof, require that body to frame and deliver to the Board* from time to time returns giving, in relation to the parish, district, union, or place in respect whereof the loan is applied for, such information respecting the financial condition of the body applying as the Board* think expedient.

Power for Board to require returns from bodies borrowing.

15. [*Fee of auditor of Board's accounts. Rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

CHAPTER LXXXVII.

AN ACT TO AMEND "THE MIDDLESEX INDUSTRIAL SCHOOLS ACT, 1854." [29th June 1875.]

[*Preamble recites 17 & 18 Vict. c. clxix.*]

1. This Act shall be construed as one with so much as is left hereby unrepealed of the said Act of the 17th and 18th Victoria, cap. clxix., and the last-mentioned Act and this Act may be cited respectively as "The Middlesex Industrial Schools Act, 1854," and "The Middlesex Industrial Schools Act, 1875," and may be cited together as "The Middlesex Industrial Schools Acts."

Construction of Act.

Short titles.

2. So much of section 1 of "The Middlesex Industrial Schools Act, 1854," as defines the meaning of juvenile offender is hereby repealed, and in lieu thereof be it enacted, that, for the purposes of the Middlesex Industrial Schools Acts, "juvenile offender" shall mean any child apparently above the age of ten and not above the age of fourteen, who is convicted of any offence committed in the county of Middlesex,† such conviction being before any judge or any sessions of the peace for the trial of felonies and misdemeanors, or by a metropolitan police magistrate, or by two or more justices of the peace in petty sessions assembled.

Definition of juvenile offender.

3. The thirty-fifth section of the Middlesex Industrial Schools Act, 1854, is hereby repealed, and in place thereof be it enacted as follows : The Judge or sessions before whom, and the Police Magistrate or Justices in petty sessions assembled by whom, a juvenile offender is convicted, may, at his or their discretion, instead of sentencing such offender to any punishment to which he would be liable, sentence him to be detained in an industrial school within the meaning of the Middlesex Industrial Schools Acts, the general rules for the government of which have been approved by one of Her Majesty's principal Secretaries of State, for any term not less

Repeal of section 35 of Middlesex Industrial Schools Act, 1854.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† See 51 & 52 Vict. c. 41, s. 40 (2).

than two or more than five years : Provided that no juvenile offender shall be detained beyond the time when he attains sixteen years of age.

Modification of Middlesex Industrial Schools Act, 1854.

4. The Middlesex Industrial Schools Act, 1854, shall be modified as follows : viz., the same shall be read and have effect as if

The Prison Act, 1865, were referred to in section 31 in place of the Act of the 4th and 5th William the 4th, chapter 24 ;

The words " three months " were contained in section 33 in place of the word " month " ;

The word " superintendent " were contained in sections 32 and 39 in place of the word " clerk."

[*Part omitted (substitution of " February " for " March " in s. 34 of 17 & 18 Vict. c. clxix.) spent, s. 34 being superseded. See note thereon.*]

5. [*Repeal or modification of parts of 17 & 18 Vict. c. clxix. made by this Act not to affect past matters thereunder. Spent in part ; remr. superseded by the Interpretation Act 1889, s. 11.*]

Payments, etc. made on account of Feltham School to be valid.

6. All payments, rates, moneys, superannuations or allowances, acts or things made, levied, borrowed, granted, suffered, or done, or which purported to be made, levied, borrowed, granted, suffered, or done to, for, on behalf of, or in respect of the said school at Feltham, under the provisions of the Middlesex Industrial Schools Act, 1854, shall, notwithstanding that the same may have been wholly or partly made, levied, borrowed, granted, suffered, or done to, for, on behalf of, or in respect of the said school, as a certified industrial school, be valid and effectual to all intents and purposes whatsoever.

Children detained under the Industrial Schools Act, 1866, provided for after the period of detention has expired.

7. It shall be lawful for the committee of visitors of any industrial school within the meaning of the Middlesex Industrial Schools Acts which has been certified as an industrial school, if they shall think fit, on the expiration of the period for which any child shall have been ordered to be detained therein under the Industrial Schools Act, 1866, to pay on account and for the benefit of, but not to such child, any sum not exceeding five pounds, such sum to be expended in clothing or tools, or in any other way which shall seem to such committee desirable, with a view to enable such child to obtain an honest livelihood, and such sum shall be paid out of the rates for the county of Middlesex.*

Extension of powers of levying and applying rates and borrowing moneys.

8. The powers of the Justices of the county of Middlesex,† under the Middlesex Industrial Schools Act, 1854, to order payment out of the county rates for the said county, and to levy county rates for the said county for the payment of moneys, costs, and expenses required or payable for any of the purposes of the said Act, and to borrow moneys on mortgage of the county rates, shall extend to all moneys, costs, and expenses required or payable for or towards the maintenance or otherwise on account of children detained under the provisions of the Industrial Schools Act, 1866, in any industrial school established or to be established under the Middlesex Industrial Schools Acts, or by way of superannuation allowance for services rendered in respect of such children.

Power to license juvenile offenders to live out of school and to apprentice them.

9. The committee of visitors may, at any time after the expiration of eighteen months of the period of detention to which a juvenile offender has been sentenced, by a license under their

* Now the County of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the London County Council. See 51 & 52 Vict. c. 42, s. 3 (i.) and (vii.).

hands, permit him to live with any trustworthy and respectable person named in the license, and willing to receive and take charge of him :

Any license so granted shall not be in force for more than three months, but may, at any time before the expiration of those three months, be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the period of detention to which the juvenile offender has been sentenced has expired.

Any such license may also be revoked at any time by the committee of visitors by writing under their hands, and thereupon the juvenile offender to whom the license related may be required by them, by writing under their hands, to return to the school.

The time during which a juvenile offender is absent from the school in pursuance of the license shall, except where such license has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the license he shall be taken back to the school.

A juvenile offender escaping from the person with whom he is placed under the license, or refusing to return to the school on the revocation of his license, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

The committee of visitors may at any time after a juvenile offender has been placed out on a license as aforesaid, if he conducted himself well during his absence from the school, bind him with his own consent apprentice to any trade, calling, or service, notwithstanding that his period of detention has not expired, and every such binding shall be valid and effectual to all intents.

10. Sections 12 and 50 of the Industrial Schools Act, 1866, the Industrial Schools Act, 1872, and the Prison Authorities Act, 1874, shall not apply to industrial schools within the provisions of the Middlesex Industrial Schools Acts: Nothing in this section contained shall deprive a school board of the power to contribute in manner provided by section 27 of the Elementary Education Act, 1870, towards any industrial school within the meaning of the Middlesex Industrial Schools Acts, which is also a certified industrial school.

11. For the purposes of any superannuation allowance to be granted to any person under the provisions of the Middlesex Industrial Schools Acts, the period of service of such person shall be reckoned from and inclusively of the day of the date of his or her first appointment under the said Acts, and whether his or her services have been rendered in respect of children detained under the Industrial Schools Act, 1866, or under the Middlesex Industrial Schools Acts.

12. [*Saving the rights of mortgagees under 17 & 18 Vict. c. clxix. Spent.*]

13. [*Expenses of obtaining Act. Spent.*]

Certain provisions of the general law not to apply.

Mode of reckoning service for superannuation.

CHAPTER CLXXIX.

AN ACT FOR AUTHORISING IMPROVEMENTS IN AND NEAR THE PRECINCT OF THE SAVOY AND NEAR CHARING CROSS, WITH A VIEW TO THE OPENING OF BETTER COMMUNICATION WITH THE VICTORIA EMBANKMENT, AND FOR CONFERRING POWERS ON THE METROPOLITAN BOARD OF WORKS WITH REFERENCE TO TOOTING GRAVENEY COMMON: AND FOR OTHER PURPOSES.

[2d August 1875.]

[*Preamble recites* (inter alia) 20 & 21 Vict. c. cl. s. 20; and 37 & 38 Vict. c. xcvi. ss. 6, 9, and 10; and that at the passing of the last-mentioned Act the lands mentioned in s. 20 of 20 & 21 Vict. c. cl. had become or were reputed to be and are or are reputed to be the property of Frank Willan: and that Joseph Lucas is or claims to be owner of the site of other lands adjoining or near thereto: and that the road authorised by s. 6 of 37 & 38 Vict. c. xcvi. has not yet been begun; and that the said Frank Willan and Joseph Lucas are desirous of obtaining the substitution of two roads on the sites shown on the deposited plans (and marked thereon Road No. 1 and Road No. 2) for part of the road authorised by 37 & 38 Vict. c. xcvi., and that the Metropolitan Board of Works* (in this Act called "the Board"), have agreed with them for such substitution; and also recites 35 & 36 Vict. c. clxiii. and that it would be of great public advantage if an addition were made to the Sessions House, Clerkenwell, in manner shown on the deposited plans; and that plans and sections of the before-mentioned two proposed substituted roads, and showing the land to be acquired for the purposes of the said Sessions House, have been deposited in April last with the Clerk of the Peace for Middlesex; and also recites 25 & 26 Vict. c. 93, s. 28.]

Short title.

1. This Act may be cited as The Metropolitan Board of Works (Various Powers) Act, 1875.

2—3. [*Incorporation of Lands Clauses Acts—Power to the Board to take lands shown on the deposited plans. Spent.*]

Power for Board to make improvements.

4. Subject to the provisions of this Act, the Board may make and maintain, in the lines and according to the levels shown on the plans and sections deposited in November last, the improvements thereon shown, comprising the following; (that is to say.)

- (1.) A road (No. 1) commencing at the roadway of the Victoria Embankment opposite the precinct of the Savoy, passing thence through a part of the embankment, and of the gardens thereof, and through lands belonging to Her Majesty the Queen in right of her Duchy of Lancaster, and through the southern part of the Board's vacant ground, and terminating at the eastern boundary of the land and property of the Marquess of Salisbury adjoining the said ground;
- (2.) The alteration from time to time in connexion with other improvements by this Act authorised of the footway and roadway of the Victoria Embankment at or near the precinct of the Savoy;
- (3.) A road (No. 2) as an approach to the Board's vacant ground at the north-east corner thereof, from the southerly end of Little Savoy Street, otherwise Little Savoy Hill.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

5. The roads (No. 1) and (No. 2) by this Act authorised shall, when made, be deemed part of the roadway of the Victoria Embankment for the purposes of sections three and four of the Thames Embankment (North) Act, 1872, and for all other purposes.

Board's roads to be part of roadway of embankment.

6. [Power to the Board to surrender certain land to the Duchy of Lancaster. Spent.]

7—8. [Power to the Duchy of Lancaster to make certain improvements to and in the vicinity of the German Lutheran Chapel.]

9. In relation to lands belonging to Her Majesty in right of her Duchy of Lancaster required to be dealt with for the purposes of this Act, and to minor works required for better effectuating the arrangement between the Board and the Chancellor and Council of the Duchy of Lancaster, the Chancellor and Council are hereby further empowered to do the following things: (namely,)

Powers of Duchy in relation to lands, etc.

(1.) To grant to the Board, in consideration and as part of the arrangement with them, the right to construct and maintain part of road (No. 1) and road (No. 2) in and over lands belonging to Her Majesty the Queen in right of her Duchy of Lancaster:

(2.) To release to the Board, in consideration and as part of the arrangement with them, any rights of light and air now belonging to Her Majesty the Queen in right of her Duchy of Lancaster over the Board's vacant ground:

(6.) To put up and maintain, or from time to time to remove, wholly or partially, and reinstate fences of such nature as the Board and the Chancellor and Council from time to time agree, along so much of the road (No. 1) and of the Victoria Embankment as will be on, over, or next to any land belonging to Her Majesty the Queen in right of her Duchy of Lancaster, and as the Chancellor and Council think fit:

[Parts omitted contain various powers to the Duchy of Lancaster.]

10. [Financial powers for the Duchy of Lancaster.]

11. The Act of the eleventh year of King George the Third (chapter thirty-four), intituled "An Act for enabling certain persons to enclose and embank part of the River Thames adjoining to Durham Yard, Salisbury Street, Cecil Street, and Beaufort Buildings, in the county of Middlesex," as far as the same affects any land within the precinct of the Savoy belonging to Her Majesty the Queen in right of her Duchy of Lancaster, or the Board's vacant ground, or any lands acquired by the Board under this Act, is hereby repealed.

Repeal of 11 Geo. 3. c. 34.

12. And whereas the rights of communication and access and egress by the 62nd section of the Thames Embankment Act, 1862, conferred on the Marquess of Salisbury, his heirs and assigns, to and from the land to be reclaimed and enclosed under the said Act and referred to in the said section, and the obligations of the Board in respect of the said rights, have been the subject of a suit in the Court of Chancery, in which the present Marquess of Salisbury, herein-after called the Marquess, is plaintiff and the Board are defendants, and it is mutually desired that all further litigation in respect of the subject-matter of the said suit shall be put an end to between the parties; it is therefore enacted as follows:

Repeal of part of sect. 62 of "The Thames Embankment Act, 1862," and enactment in substitution of it.

- (1.) All that part of the said 62nd section of the Thames Embankment Act, 1862, which follows the word "monuments" shall be and the same is hereby repealed :
- (2.) Road No. 1, by this Act authorised to be made, shall, within 15 months from the passing of this Act, be constructed and continued by the Board over the vacant ground belonging or reputed to belong to them up to the eastern boundary of the land and property of the Marquess adjoining the said ground :
- (3.) The Board shall also, within 15 months from the passing of this Act, construct, make, and finish a roadway of the width of 25 feet, running northwards from and out of the said road No. 1 to and into and communicating with the southern end of Carting Lane, as shown on the plan as signed by Richard Nicholson on behalf of the Marquess, and William Wyke Smith on behalf of the Board :
- (4.) The Marquess, his heirs and assigns, and his and their sequels in right, and his and their lessees, tenants, and occupiers (duly authorised by him or them) of houses and premises in Cecil Street and Salisbury Street, and of the houses, lands, and premises lying between the houses at the southern ends of the said streets on the north and the Thames Embankment garden on the south, and of any other houses or premises near or adjoining thereto and belonging to the Marquess, shall have full and free rights of communications and access and egress at all times either on foot or with horses, carts, and carriages of any description, and for all purposes whatsoever to and into and over and along the said road No. 1, and the said road to be made therefrom to and communicating with the southern end of Carting Lane as aforesaid :
- (5.) [*Upon the completion by the Board of the said road No. 1, and of the road to be made therefrom, all steps to be taken for ending the suit between the Marquess and the Board. Spent.*]

13. [*Power to the Board to stop up Trinity Place, Charing Cross. Spent.*]

Regulation
and manage-
ment of
Tooting
Graveney
Common.

14. From and after the passing of this Act, Tooting Graveney Common shall be regulated and managed by the Board as a place of recreation for the public, and for that purpose sections two to six (both inclusive) and nine and ten of the scheme for the establishment of local management with respect to Tooting Beck Common, confirmed by The Metropolitan Commons Supplemental Act, 1873, shall by virtue of this Act extend and apply to Tooting Graveney Common, and the Board may from time to time, if they think fit, contribute any sum not exceeding one thousand one hundred and fifty-five pounds towards the costs incurred before the passing of this Act by any persons in maintaining the rights of the commoners and others in and over Tooting Graveney Common by a suit in the Court of Chancery or otherwise ; provided that no estate, interest, or right of a profitable or beneficial nature in, over, or affecting the said common shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by or under this Act, without compensation being made for the same, and such compensation shall, in case of difference, be ascertained in the same manner

Provision for
compensa-
tion.

as if the same compensation were for the compulsory purchase and taking or the injuriously affecting of lands under the provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860." [*Amended 40 Vict. c. viii. ss. 3, 4, and 10. See also notes on the sections of 36 & 37 Vict. c. lxxxvi. referred to, which notes apply here.*]

15—22. [*Errors and omissions in plans—Power to survey land to be taken—As to compensation—Deficiencies in land tax during works—Power to the Board to deviate—Alteration of water, gas, and other pipes—Power to lay out carriageways, etc.—Period for compulsory purchase of lands limited to 5 and for construction of works to 7 years. Spent.*]

23. The plans of the substituted roads and of the land to be appropriated for the purpose of the Clerkenwell Sessions House, deposited as aforesaid in April last with the Clerk of the Peace for the County of Middlesex, shall be kept with the other plans deposited in November last for the purposes of this Act, and shall for the purposes of this Act, and for all other purposes, be deemed to form part of the deposited plans. Plans deposited in April to be part of deposited plans.

24. If within one month after the passing of this Act Frank Willan and Joseph Lucas grant to the Board, and the Board accept, on such terms and conditions as the parties agree on, the requisite sites for the two roads shown on the plans deposited in April last, the Board shall construct on those sites two roads in lieu of and in substitution for so much of the road authorised by The Metropolitan Board of Works Act, 1874, as was proposed to be constructed between the points marked A and B on the said deposited plans. Substitution of new roads for part of authorised road near Finsbury Park.

25. The Metropolitan Board of Works Act of 1874 shall have effect as if the two roads by this Act authorised had been described in that Act in lieu of that portion of the road therein described for which those two roads are to be substituted, and as if in subsection 3 of section 9 of that Act the lands of Frank Willan therein referred to had been the lands of Frank Willan and Joseph Lucas respectively. Effect of Act of 1874 as to substituted roads.

26. [*Amendment of 37 & 38 Vict. c. xevii. s. 9 (7) as to payment of costs of certain pending proceedings. Spent.*]

27. The Board may appropriate and grant, for and to the use of the Justices of the Peace for the county of Middlesex, such part of the public street adjoining the Sessions House, Clerkenwell, on the southern side thereof, and described on the plans deposited in April last as land to be transferred to the said Justices, as the Board think fit, and the same shall vest in the body or officer or person in whom the Sessions House is vested,* and shall go along with and be deemed part of the appurtenances of the Sessions House. Grant for purposes of Sessions House, Clerkenwell.

28—29. [*Power to sell to the Middlesex Justices so much as is shown on the deposited plans of the land required by 35 & 36 Vict. c. clxiii. s. 12 to be thrown into the new street in Clerkenwell—Connection of the new street with Clerkenwell Green mentioned in s. 12 of 35 & 36 Vict. c. clxiii. to be 40 feet wide with a 30 feet carriageway, and by an easy curve commencing and terminating in or near the pieces of land therein described as No. 80 and No. 81 respectively. Spent.*]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 64.

The Societies of the Inner and Middle Temple empowered to build upon a small portion of their land referred to in the Thames Embankment Act, 1862.

30. Notwithstanding the provisions of the 28th section of the Thames Embankment Act, 1862, it shall be lawful for the Honourable Society of the Inner Temple to construct and maintain at the south-eastern extremity of the buildings proposed to be erected in extension of Harcourt Buildings a tower or turret, and also an ornamental bay window from the ground upwards, and the eastern pier of an ornamental central arch, and for the Honourable Society of the Middle Temple to construct and maintain at the south-western extremity of the buildings to be erected in extension of Plowden Buildings a tower or turret, and also a similar bay window and the western pier of the said central arch, provided that the said towers or turrets respectively shall not project more than ten feet, and that the said bay windows and piers respectively shall not project more than five feet on to the lands referred to in the said 28th section, and that the said towers and turrets, bay windows, and piers shall be constructed according to a plan and elevation to be previously approved by the Board.

31—32. [*Power to the Board to apply existing funds to the purposes of this Act and to borrow. Spent in part. Remr. superseded by the London County Council (Money) Acts 1875—1904.*]

33. [*Saving the rights of the Crown and of the Duchy of Lancaster.*]

34. [*Expenses of obtaining Act. Spent.*]

39 & 40 VICTORIA. A.D. 1876.

CHAPTER 55.

AN ACT FOR FURTHER AMENDING THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS ; AND FOR OTHER PURPOSES RELATING THERETO. [11th August 1876.]

[*Preamble recites 38 & 39 Vict. c. 65 (in this Act referred to as "the Act of 1875.")*]

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Loans) Act, 1876.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Act of 1875.

3. [*Power to the Board to spend monies on or in contributing to general improvements till 31st December 1877. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

4. [*Expenses for Fire Brigade purposes till 31st December 1877. Rep. 46 & 47 Vict. c. 39 (S.L.R.).—Provision as to carrying from time to time to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purpose of this section in 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 3.*]

5—6. [*Amendment of limit in ss. 3 and 9 of the Act of 1875 on expenditure for Fire Brigade purposes, and on loans to vestries and district boards. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

7. [*Power to the Board to lend to vestries and district boards till 31st December 1877. Rep. 46 & 47 Vict. c. 39 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not*

exceeding as to loans for widening streets or for bridges and purchase of lands 60 years, and for other purposes 30 years; and in the case of a loan for not exceeding thirty years requiring the Board from time to time to carry to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 4.]

8. [Power to the Board to lend to guardians till 31st December 1877. Rep. 46 & 47 Vict. c. 39 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years, and as to carrying to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock within the period for which the loan is made. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.]

9. [Power to the Board to lend to corporations, burial boards, etc., till 31st December 1877. Rep. 46 & 47 Vict. c. 39 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury, not exceeding as to loans for widenings of streets or bridges and purchase of lands 60 years, and for other purposes 30 years, and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock within the period of loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 6.]

10. [Extension of the amount which the Board may lend to the Managers of the Metropolitan Asylum District. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]

11. [Alteration of limitation of borrowing power in 32 & 33 Vict., c. 102, s. 38. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

12. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

Repayments
to go to Con-
solidated
Loans Fund.

CHAPTER 61.

AN ACT TO PROVIDE FOR THE BETTER ARRANGEMENT OF DIVIDED PARISHES AND OTHER LOCAL AREAS, AND TO MAKE SUNDRY AMENDMENTS IN THE LAW RELATING TO THE RELIEF OF THE POOR IN ENGLAND. [15th August 1876.]

Metropolitan Provisions.

40. Whereas doubts have been entertained as to the extent of the powers given to the Poor Law Board by sections five and six of the Metropolitan Poor Act, 1867, it is hereby enacted and declared that those powers may be exercised by the Local Government Board in order to the provision of asylums, workhouses, or other buildings for the reception of any class or classes of the poor chargeable in the metropolis.

Explanation
of the Me-
tropolitan
Poor Act as
to the power
to form dis-
tricts for all
classes of
poor.

41. The powers conferred upon the Poor Law Board by section fifty-nine of the Metropolitan Poor Act, 1867, to determine or vary the contracts with any medical or other workhouse officers existing at the passing of that Act, may be exercised by the Local Government Board for the purpose of improving the classification of all classes of paupers in addition to the purposes in the said section

Extension of
power of
determining
or varying
contracts
given by
30 & 31 Vict
c. 6, s. 59.

specified, and with reference to the contract with, or the appointment of any officer appointed by a board of guardians irrespective of the date of the appointment or contract.

Power of
managers in
respect of
patients not
paupers.

42. If the managers of a district constituted under the provisions of the Metropolitan Poor Acts shall have admitted any sick person into their asylum not being a pauper, but under circumstances of urgency, they shall have and may exercise the like powers over such person, and shall have the like remedies for the recovery of all reasonable charges incurred on behalf of any such person as are conferred by the Poor Law Acts upon guardians over paupers, and for the recovery of relief given or deemed to be given by way of loan to any such pauper.

But the said powers and remedies shall not be exercised or put in force by the managers until they shall have been authorised to do so by the Local Government Board, and shall be exercised subject to any restrictions which may be imposed from time to time by the Board.

Provided also, that no sum shall be recoverable by managers under the provisions of this Act in respect of any expenses incurred by them other than those which shall be the subject of a separate charge in respect of an inmate to any union or parish in the district.

The exemp-
tion of the
Inns of
Court and
the Charter
House
removed.

43. [*Repeal as from 1st September 1876 of so much of s. 3 of the Extra-parochial Places Act 1857 as provides that the Inner Temple,* the Middle Temple,* Grays Inn,† and the Charter House, London, shall not be added to any union or other district for the purposes therein referred to. Rep. 57 & 58 Vict. c. 56 (S.L.R.).*]

[Provided, that] no such Inn of Court shall be added to a union or parish so long as the benchers thereof shall make payments, as regards the Inner Temple and the Middle Temple to the Guardians of the Poor of the City of London Union, and as regards Grays Inn to the Guardians of the Poor of the Holborn Union, of such sum as shall be called for by such guardians respectively as a contribution in aid of the common fund of such unions upon a precept framed according to the form set forth in the schedule hereto annexed, or to the like effect, which sum, together with the costs of collection, shall, when the masters of the bench of any Inn think proper, be paid out of a rate in the nature of a poor rate to be made and levied by the overseer or overseers of the said Inn, as in the case of a poor rate made and levied in any other parish.

Such contribution shall be based upon the annual rateable value of the said Inn as settled by the valuation list in force for the time being, if any, or otherwise as settled by the Local Government Board for its contribution to the Metropolitan Poor Fund, and shall be calculated and issued in every respect as if the said Inn were a parish comprised in the said union, but so nevertheless that such contribution shall not include any sum, whether for principal or interest, in respect of repayment of moneys borrowed and charged on the poor rates of the parishes comprised in the said union or on the common fund thereof.

* See 62 & 63 Vict. c. 14, s. 22.

† Gray's Inn is included in the metropolitan borough of Holborn by the Borough of Holborn Order in Council 1900 made under 62 & 63 Vict. c. 14, but the Borough of Holborn (Gray's Inn) Scheme 1901 made under that Act provides as follows:

"4. Nothing in the Act or this Scheme shall affect the amount of the payment which would otherwise have been payable by the Benchers under section forty-three of the Divided Parishes and Poor Law Amendment Act 1876, or any composition, contribution, or exemption conferred by or payable under that section."

Provided . . . , that the contribution of the respective unions towards such Metropolitan Poor Fund shall be calculated upon the annual rateable value of such unions increased by the annual rateable value of the Inn or Inns contributing thereto as aforesaid, and the provisions of the Metropolitan Poor Act, 1867, applicable to any such Inn of Court, shall cease to operate so long as the contributions herein described are paid in respect of such Inn: Provided also, that . . . the registrar of the Charter House shall cease to be the overseer of the parish of the Charter House, *and the Justices of the Peace having jurisdiction in the place shall forthwith appoint an overseer to act for the said parish until the time of the next annual appointment of overseers*; and thenceforth appointments shall be made as in the case of other parishes, and every such overseer shall have all the powers and privileges, and shall be subject to all the duties which by law attach to such an officer.

[Words in square brackets and words omitted ("also," and "from and after the said 1st day of September next") rep. 57 & 58 Vict. c. 56 (S.L.R.). Words in italics spent.]

44. The words herein contained shall be construed as in the Poor Law Amendment Act, 1834, and in the Acts amending or extending the same, and the provisions contained therein and not repealed shall so far as they shall be consistent herewith, be extended to this Act. Interpretation clause.

45. This Act may be cited and described for all purposes as "The Divided Parishes and Poor Law Amendment Act, 1876."

SCHEDULE.

PRECEPT FOR A CONTRIBUTION FROM AN INN OF COURT.

To the benchers of
You are hereby required to pay to _____ of
_____, the treasurer of the guardians of the poor
of the _____ union, on behalf of such guardians, on the
_____ day of _____ the sum of _____ pounds
_____ shillings and _____ pence, as the contribution of the
above-named Inn of Court in aid of the common fund of the said
union, such amount having been duly calculated according to the
provisions of the Divided Parishes Poor Law Amendment Act, 1876,
and to take the receipt of the said treasurer indorsed upon this
paper for the said sum of _____

Given under our hands at a meeting of the guardians of the poor
of the said union held on the _____ day of _____
(Signed) _____

A. Y., Presiding Chairman.
W. X. }
C. V. } Guardians.

Countersignature of the Clerk
to the Guardians.

Indorsement.

Received this _____ day of _____ 18 _____ of the within-
named benchers the sum of _____ on behalf of the
within-named guardians.

Treasurer of the

Union.

[The parts of the Act omitted are not special to London.]

CHAPTER LXXIX.

AN ACT FOR ENABLING THE METROPOLITAN BOARD OF WORKS TO MAKE A NEW STREET FROM SUN STREET TO WORSHIP STREET ; TO UNDERTAKE CERTAIN DUTIES IN CONNEXION WITH THE CHELSEA EMBANKMENT ; AND FOR OTHER PURPOSES.

[27th June 1876.]

[*Preamble recites (inter alia) that the Great Eastern Railway Company have in the construction of the Metropolitan Extension stopped up and appropriated Sun Street or the greater part thereof, and that it is expedient with a view of remedying the public inconveniences which have arisen by such interference with Sun Street that another thoroughfare should be provided by the construction of a new street from Sun Street to Worship Street and recites 35 & 36 Vict. c. clxiii. s. 49, and 31 & 32 Vict. c. cxxxv. s. 27.*]

Short title.

1. This Act may be cited as "The Metropolitan Board of Works (Various Powers) Act, 1876."

2. [*Incorporation of Lands Clauses Acts and part of the Railways Clauses Consolidation Act 1845. Spent.*]

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; (that is to say,)

The word "streets" shall include streets, courts, alleys, highways, roadways, thoroughfares, or public passages or places ;

The term "improvement" means the new street and works connected therewith by this Act authorised ;

The expression "the Board" means the Metropolitan Board of Works.*

[*Part omitted (definitions of "Justice," "two Justices," "lessee," and "the Railway" in the Railways Clauses Consolidation Act 1845 incorporated, and as to meanings of words in Acts incorporated) spent.*]

Power to make new street.

4. The Board may construct a new street in the parish of St. Leonard, Shoreditch, in the county of Middlesex,† commencing at Sun Street and terminating at the Curtain Road, near Worship Street.

5—12. [*Street and other works authorised to be made according to plans deposited with the Clerk of the Peace for Middlesex—Powers to the Board to purchase and extinguish easements ; to stop up ways during works ; to raise or lower streets ; to deviate ; to make subsidiary works ; to stop up, alter, etc., or appropriate the streets shown on the deposited plans ; to alter water, gas, and other pipes ; and to lay out carriageways, etc. Spent.*]

13. [*As to laying of pavements, and vesting the same when laid in and as to the maintenance thereof by the Vestry of the parish of St. Leonard, Shoreditch.‡*]

14. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

‡ Now the Council of the Metropolitan Borough of Shoreditch. See 62 & 63 Vict. c. 14, s. 4.

15. [Power to the Board to alter steps, areas, pipes, etc. Spent.]
 16. [Ground laid into streets to form part thereof and to be under the management of the Vestry of St. Leonard, Shoreditch.*]

17—21. [Errors and omissions in plans—Power to the Board to sell materials and to survey lands to be taken—As to compensation—Deficiencies in land tax during works. Spent.]

22—32. [Power to the Board to grant building leases of surplus lands—As to sale of ground rents and reversion thereof—Power to sell such lands without leasing—Surplus lands to be sold within 10 years—Receipts of the Board to be effectual discharges—Period for compulsory purchase of lands limited to 5 and for construction of works to 7 years—Great Eastern Railway Company to give notice of intention to take houses of labouring classes—Rehousing by the Board of labouring class persons displaced by them—Contribution by the Vestry of St. Leonard, Shoreditch, of not exceeding half the expenses of the new street and improvements—Board may lend the Vestry their contribution—Credit to be given to the Vestry for sale of surplus lands. Spent.]

33. [Power to the Secretary of State to release the Board from s. 49 of 35 & 36 Vict. c. clxiii. Spent.]

34. The embankment wall and the adjoining footway of the Chelsea Embankment, and the ornamental grounds on that embankment, respectively constructed under the powers of the Thames Embankment (Chelsea) Act, 1868, shall (notwithstanding anything contained in that Act) be under the management, control, and authority of the Board, and they shall have the sole power, authority, and duty of maintaining and lighting the said wall and footway, and the trees, lamp-posts, and other things thereon are hereby vested in, and the same shall belong absolutely to the Board, and the Board shall also maintain the said ornamental grounds. [See 35 & 36 Vict. c. lxvi. s. 3 and note thereon.]

Transfer to Board of obligations as to repairs, etc. of embankment wall and footway.

35—36. [As to byelaws relating to the Chelsea Embankment wall and footway. Superseded 40 & 41 Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. cexliii. ss. 14—21; and 61 & 62 Vict. c. cxxxi. s. 61.]

37—38. [Powers to the Board to apply existing funds to the purposes of this Act and to borrow. Spent in part. Remr. superseded by the London County Council (Money) Acts 1877—1904.]

39. [Expenses of obtaining Act. Spent.]

CHAPTER CC.

†AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA IN THE WHITECHAPEL DISTRICT, AND AN UNHEALTHY AREA IN THE LIMEHOUSE DISTRICT, WITHIN THE METROPOLIS. [11th August 1876.]

[Preamble.]

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

Provisional Order in schedule confirmed. Short title.

2. This Act may be cited as the Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation Act, 1876.

* Now the Council of the Metropolitan Borough of Shoreditch. See 62 & 63 Vict. c. 14, s. 4.

† See 42 & 43 Vict. c. lxxx.

SCHEDULE.

METROPOLIS (WHITECHAPEL AND LIMEHOUSE) IMPROVEMENT.

[*Provisional Order of the Home Secretary, dated 12th June 1876, confirming a Scheme of 12th November 1875, prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Act 1875 for the improvement of two unhealthy areas situated respectively in Limehouse and Whitechapel.*

The Order recites that the number of persons of the working class that will be displaced by the Scheme is estimated at 3,669, and provides that the land coloured red and green on the plan marked AA referred to therein shall constitute the improvement area, and provides for the clearing of the improvement area and for the erection thereon of twenty-four blocks of dwellings to accommodate 3,870 persons of the working class.

The Order also requires the widening of Curthright Street to 30 feet and its extension southwards into Upper East Smithfield, and the widening of Glasshouse Street to 30 feet from Royal Mint Street to Sir Henry Peck's premises, and the formation of a new roadway 29 feet wide in continuance of Blue Anchor Yard. Spent.]

40 & 41 VICTORIA. A.D. 1877.

CHAPTER 35.

* AN ACT FOR AFFORDING FACILITIES FOR THE ENJOYMENT BY THE PUBLIC OF OPEN SPACES IN THE METROPOLIS.

[2d August 1877.]

[*Preamble rep. 57 & 58 Vict. c. 56 (S.L.R.).*]

Metropolitan Board of Works may acquire and hold open spaces for benefit of public.

18 & 19 Vict. c. 120.

Right of entry to places of recreation may be conveyed to Metropolitan Board of Works.

Provision for keeping up open spaces.

Extent of Act.

1. The Metropolitan Board of Works† may, by purchase on voluntary sale, or by the gift of the person or persons legally entitled to dispose of the same, acquire or accept the ownership of any open spaces, whether inclosed within rails or palings, or uninclosed, situated in the metropolis, and hold the same in trust for the perpetual use thereof by the public for exercise and recreation. . . . [Part omitted (as to byelaws). Superseded 40 Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. cexliii. ss. 14—21; and 61 & 62 Vict. c. cxxxi. s. 61.]

2. Where any open spaces now are or hereafter may be used as places of exercise and recreation for the inhabitants of certain houses, and the property and right of user is now or hereafter may be vested in one or more persons as owners or occupiers of such houses, such owners and occupiers (if any) may convey to the Metropolitan Board of Works,† in trust for the public, the right to enter upon and use and enjoy such open spaces, subject to such terms and conditions as may be agreed upon.

3. The Metropolitan Board of Works† shall be entitled to make such provision as may be necessary for maintaining and protecting the open spaces so acquired by them.

4. [Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv.]

5. This Act shall not extend to the royal parks, nor to any land belonging to Her Majesty in right of her Crown or of her

* See also 41 & 45 Vict. c. 34; 50 & 51 Vict. c. 32; and 53 & 54 Vict. c. 15.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Duchy of Lancaster, or any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners . . . of . . . Works . . . or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851, 11 & 15 Vict. c. 95, or to any metropolitan common within the meaning of "The Metropolitan Commons Act, 1866," and "The Metropolitan Commons Amendment Act, 1869," nor to any land belonging to either of the honourable Societies of the Inner Temple and Middle Temple, 29 & 30 Vict. c. 122, [Words omitted ("for the time being" and "Her Majesty's" and "and Public Buildings") rep. 57 & 58 Vict. c. 56 (S.L.R.).] 32 & 33 Vict. c. 107.

6. The term "metropolis" in this Act means all parishes and places mentioned in Schedules A., B., and C. to the . . . Metropolitan Management Act, 1855. [Word ("said") omitted rep. 57 & 58 Vict. c. 56 (S.L.R.).] Meaning of term "metropolis."

7. The powers in this Act conferred on the Metropolitan Board of Works* shall in the city of London be exercised by the mayor, aldermen, and commons of the said city, who shall defray all the expenses caused by or connected with the execution of such powers. In the city of London the powers of the Act to be executed by the Corporation.

8. This Act may be cited as the Metropolitan Open Spaces Act, 1877. Short title.

CHAPTER 52.

AN ACT FOR FURTHER AMENDING THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES RELATING THERETO.

[14th August 1877.]

[Preamble recites 38 & 39 Vict. c. 65, and 39 & 40 Vict. c. 55 (in this Act referred to respectively as "the Act of 1875," and "the Act of 1876.")]

1. This Act may be cited as the "Metropolitan Board of Works (Money) Act, 1877," and the Act of 1875, the Act of 1876, and this Act may be cited together as the "Metropolitan Board of Works (Money) Acts, 1875 to 1877." Short title.
Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Act of 1875 and the Act of 1876. 32 & 33 Vict. c. 102.
33 & 34 Vict. c. 24.

3—6. [Amendment of limit in ss. 4, 7, 8, and 9 of the Act of 1876 on expenditure for Fire Brigade purposes, and on loans to vestries, district boards, guardians, and corporations, burial boards, and other public bodies. Rep. 46 & 47 Vict. c. 39 (S.L.R.).] 34 & 35 Vict. c. 47.

7. [Power for the Board to spend moneys on or in contributing to general improvements till 31st December 1878. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]

8. [As to expenses for Fire Brigade purposes till 31st December 1878. Rep. 46 & 47 Vict. c. 39 (S.L.R.). Provision as to carrying from time to time, to the Consolidated Loans Fund, such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section in 30 years. Identical with such provision in 38 & 39 Vict. c. 63, s. 3.]

9—10. [As to expenses for the purposes of 40 & 41 Vict. cc. cccxxv., viii., and cci.; and 35 & 36 Vict. c. clxiii. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

11. [*Power to the Board to lend to vestries and district boards till 31st December 1878. Rep. 46 & 47 Vict. c. 39 (S.L.R.). Provision for repayment within a time to be approved by the Treasury, not exceeding, as to loans for widening streets or for bridges and purchase of lands, 60 years, and other purposes 30 years; and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 4.*]

12. [*Power to the Board to lend to guardians till 31st December 1878. Rep. 46 & 47 Vict. c. 39 (S.L.R.). Provision for repayment within a time to be approved by the Treasury, not exceeding 30 years, and as to carrying to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.*]

13. [*Power to the Board to lend to corporations, burial boards, etc., until 31st December 1878. Rep. 46 & 47 Vict. c. 39 (S.L.R.). Provision for repayment within a time to be approved by the Treasury, not exceeding, as to loans for widenings of streets or bridges and purchase of lands, 60 years, and for other purposes 30 years; and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 6.*]

14—22. [*Power to the Board to raise money by "Metropolitan Bills," and provisions in reference thereto. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

23. [*Alteration of limitation of borrowing power in 32 & 33 Vict. c. 102, s. 38. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Repayments
to go to
Consolidated
Loans Fund.

24. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

25. [*Application of the provisions of s. 3 of 32 & 33 Vict. c. 102, to this Act. Spent.*]

SCHEDULE. [*Particulars of new money powers conferred by this Act. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

CHAPTER VIII.

AN ACT TO ENLARGE THE POWERS OF THE METROPOLITAN BOARD OF WORKS WITH RESPECT TO THE MAKING OF CERTAIN BY-LAWS, TO AUTHORISE THEM TO CONTRIBUTE TOWARDS THE COST OF A PUBLIC RECREATION GROUND FOR THE DISTRICTS OF SYDENHAM AND FOREST HILL, AND TO CONFER POWERS UPON THE BOARD OF WORKS FOR THE LEWISHAM DISTRICT WITH REFERENCE TO SUCH RECREATION GROUND. [24th April 1877.]

[*Preamble recites (inter alia) that the Board of Works for the Lewisham District have acquired 17½ acres of land adjoining Mayo Road for the purposes of a public recreation ground, subject to certain covenants and conditions, which are now spent.*]

1. This Act may be cited as "The Metropolitan Board of Works Short title.
Act, 1877."

2. In this Act the following words and expressions have the Interpretation of terms.
several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions :

The expression "the Board" means the Metropolitan Board of Works * :

The expression "the District Board" means the Board of Works for the Lewisham District † :

The expression "the parks" means and includes the several parks, gardens, heaths, commons, embankments, and open spaces in respect whereof byelaws are by or under the several Acts mentioned in the schedule to this Act authorised to be made by the Board.

[Part omitted (definition of "two Justices") spent.]

3. The Board may, subject to the provisions of this Act, from time to time make byelaws as regards "the parks" for all or any of the following purposes ; (that is to say.) General power of Board as to byelaws.

- (1.) Their government, control, and management, and the preservation of order and good conduct among persons frequenting them :
- (2.) The exclusion and removal therefrom of gipsies, hawkers, beggars, rogues, and vagabonds :
- (3.) The protection of "the parks," and of the walls, railings, fences, lamp-posts, trees, shrubs, plants, flowers, walks, seats, and other things therein :
- (4.) The prevention of nuisances, annoyances, obstructions, and encroachments :
- (5.) The prevention of the deposit of road sand, rubbish, or other matter :
- (6.) The prevention of the illegal taking, cutting, or digging the turf, sods, gravel, clay, sand, gorse, heather, plants, shrubs, trees, and the like :
- (7.) The prevention of the posting of bills or placards, and the writing, stamping, cutting, printing, drawing, or marking in any manner of any word or character, or of any representation of any object, on any wall, railing, fence, tree, lamp-post, walk, pavement, or seat, or elsewhere in the parks :
- (8.) The prevention of bird catching, bird trapping, and the robbing of birds' eggs or nests :
- (9.) Generally the prevention and restraint of acts or things tending to the injury and disfigurement of "the parks," or to interference with the use thereof by the public for purposes of exercise and recreation.

[See also 53 & 54 Vict. c. cexliiii. ss. 14—21 ; and 61 & 62 Vict. c. cexxi. s. 61.]

4. And as regards any heath or common referred to in this Act the Board may, in addition to the several matters mentioned in the immediately preceding section, from time to time, subject to the Special byelaws as to heaths and commons.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (S).

† Now the Council of the Metropolitan Borough of Lewisham. See 62 & 63 Vict. c. 14, s. 4.

provisions of this Act, make byelaws for the following or any of the following purposes ; (that is to say,)

The prevention of shooting or chasing of game or other animals thereon :

The regulation of assemblages of persons thereon, and of sports and games played there :

The regulation of the use of animals and carriages let out for hire thereon, and of the drivers of carriages, and of persons letting out for hire or using animals or carriages thereon :

The prevention of vehicles being driven or horses being exercised by grooms and others on any part of such heath or common not set apart by the Board for the purpose.

[See note to s. 3.]

5—9. [*Further provisions as to making, allowance, and enforcement of byelaws. Superseded 53 & 54 Vict. c. cexliiii. ss. 16—19 ; and 61 & 62 Vict. c. cexxi. s. 61.*]

Byelaws under this Act to supersede those already made.

10. When any byelaws are made under this Act those for which they are substituted shall no longer be in force, and the powers of the Acts in relation thereto shall cease to be in operation, or to have any effect, except so far as may be necessary for the completion of any proceedings or the recovery of any penalties thereunder.

Penalties under byelaws to be paid to Board.

11. All penalties which may be recovered under any of the byelaws made by the Board under the powers of this Act shall be paid to the Board, and shall be carried by them to the credit of the funds set apart or appropriated by them towards "the park's" expenses.

Board may contribute towards recreation ground at Sydenham.

12. The Board may, out of any money raised or authorised to be raised by them under any Act, and not required for the purposes of that Act, contribute any sum not exceeding four thousand two hundred and fifty pounds to and towards the providing by the District Board of the recreation ground before referred to, but thereupon the District Board shall be bound at all times to maintain the said ground as a place of recreation, and in a good state of repair, to the satisfaction in all respects of the Board, subject to the herein-before recited covenants and conditions in the said grant contained.

District Board may erect refreshment rooms, etc.

13. The District Board may, with the consent of the Board under their common seal, erect and maintain on any part of the recreation ground one or more lodges for the residence of the keeper or keepers thereof, and also refreshment and retiring rooms and urinals, and such other accommodation as may be necessary for the convenience of the public frequenting the said ground, and may from time to time demise such rooms for any term not exceeding three years upon such terms and conditions as may be approved by the Board. [*See also 56 & 57 Vict. c. lxxi. s. 25.*]

District Board empowered to pay expenses connected with recreation ground out of general rate, etc.

14. The District Board may from time to time defray all costs and expenses which have been or may be incurred by them in acquiring, laying out, planting, maintaining, and improving the said recreation ground, and in carrying into execution the powers of this Act, so far as they relate to the District Board, out of and by means of the general rate which they have now power to levy within their district, and for the purposes aforesaid the District Board may also exercise the powers of borrowing money, and of mortgaging, charging, and applying the general rate, and otherwise; contained

in "The Metropolis Management Act, 1855," or in any Act or Acts amending the said Act of 1855. [See also 62 & 63 Vict. c. 14, s. 10.]

15. The District Board may, subject to the provisions of this Act, from time to time make byelaws for all or any of the following purposes; (namely.)

District Board may make byelaws as to recreation ground.

For protection of the said recreation ground, and of the railings and fences thereof, and of the lamp-posts and other things thereon:

For protection of any trees, shrubs, plants, flowers, grass-walks, seats, and other things thereon:

For the prevention of posting of bills or placards, and the writing, stamping, cutting, printing, drawing, or making in any manner of any word or character, or of any representation of any object, on any wall, railing, fence, tree, lamp-post, pavement, or seat, or elsewhere in the said recreation ground:

For preservation of order and good conduct amongst persons frequenting the said recreation ground:

Generally for prevention or restraint of acts or things tending to the injury or disfigurement of the recreation ground or anything in the same, or to interference with the use thereof by the public for the purpose of exercise and recreation.

16. The provisions of the Metropolis Management Act, 1855, as to byelaws made by a district board, shall extend and apply to the byelaws to be made by the District Board under this Act, and for this purpose section 202 of the said Act of 1855 shall extend and apply to such last-mentioned byelaws.

Extending Act of 1855 to such byelaws.

17. [*Expenses of obtaining Act. Spent.*]

The SCHEDULE to which the foregoing Act refers.

Title or short title of Act.	Session and Chapter.
The Finsbury Park Act, 1857	20 & 21 Vic. cap. cl.
The Thames Embankment (South Side) Act, 1863	26 & 27 Vic. cap. lxxv.*
The Southwark Park Act, 1864	27 Vic. cap. iv.
The Hampstead Heath Act, 1871	34 & 35 Vic. cap. lxxvii.
The Metropolitan Commons Supplemental Act, 1871 (relating to Blackheath)	34 & 35 Vic. cap. lvii.
The Metropolitan Commons Second Supplemental Act, 1871 (relating to Shepherd's Bush Common)	34 & 35 Vic. cap. lxi.
The Metropolitan Commons Supplemental Act, 1872 (relating to Hackney Common).	35 & 36 Vic. cap. xliii.
The Thames Embankment (North) Act, 1872	35 & 36 Vic. cap. lxi.
The Thames Embankment (South) Act, 1873	36 Vic. cap. vii.
The Metropolitan Commons Supplemental Act, 1873 (relating to Tooting Beck Common)	36 & 37 Vic. cap. lxxxvi.
The Leicester Square Act, 1874	37 Vic. cap. x.
The Metropolitan Board of Works, Various Powers, Act, 1875 (relating to Tooting Graveney Common)	38 & 39 Vic. cap. clxxix.
The Metropolitan Board of Works, Various Powers, Act, 1876 (relating to the Thames Embankment, Chelsea)	39 & 40 Vic. cap. lxxix.

* Seem intended for the Thames Embankment Act, 1863 (26 & 27 Vict. c. 75).

CHAPTER XCIX.

AN ACT TO PROVIDE FOR THROWING OPEN FOR THE FREE USE OF THE
PUBLIC CERTAIN TOLL BRIDGES WITHIN THE METROPOLIS.

[12th July 1877.]

[*Preamble.*]

Short title. 1. This Act may be cited as "The Metropolis Toll Bridges Act, 1877."

Interpreta- 2. In the construction of this Act the following terms shall have
tion of terms, the meanings herein-after assigned them :

"The Board" shall mean the Metropolitan Board of Works.*

The term "bridge" shall include any of the bridges mentioned in the first column of the schedule to this Act annexed, and all buildings and works in, under, upon, or forming part of the same.

The term "company" used in relation to any bridge shall mean the company, body, or persons specified in the second column of Part I. or Part II. of the schedule to this Act annexed, opposite to the name of such bridge.

The term "special Act" with respect to a company shall mean and include any and every Act of Parliament relating to the bridge of such company, or any matter connected therewith or incident thereto.

The term "undertaking" shall mean,—

With respect to any company specified in Part I. of the schedule to this Act annexed, the bridge of such company and the approach roads to and toll-houses on or near the same, and all lands and works necessarily occupied or used for the purposes of the same, and all the estate, right, title, and interest of such company in or to the same, and all rights, powers, and authorities and privileges of such company in relation thereto, under their special Act or otherwise ; and

With respect to the company specified in Part II. of the schedule to this Act annexed, all rights of way or passage over the bridge of such company, and all powers, authorities, and privileges enjoyed or exerciseable by such company with respect to such rights of way or passage, and all rights, powers, authorities, and privileges enjoyed or exerciseable by such company with respect to tolls and charges arising from or in connexion with such rights of way or passage over such bridge, and all the estate, right, title, and interest of such company in or to such rights of way or passage, tolls, and charges, under their special Act or otherwise.

3—4. [*Board to execute Act—Power to act by a committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 75 and 82.*]

5—7. [*Power to the Board to purchase Companies' undertakings and provisions as to purchase. Spent.*]

As to con-
sideration in
case of the
company in
Part II. of
schedule.

8. The amount of the consideration, when agreed upon or ascertained in manner aforesaid in respect of all or any of the undertakings of the company specified in Part II. of the schedule to this Act annexed, . . . shall be paid or payable to such company upon the conditions following, in this Act referred to as "the conditions of purchase ;" (that is to say,)

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Subject to the provisions of this Act, such company shall maintain and keep their bridge in substantial repair, suitable and open to the public at all times for every description of foot traffic, which conditions such company shall and they are hereby required to fulfil.

In case any difference shall arise between such company and the Board as to whether or not such company, after payment of any such consideration in one sum . . . , shall from time to time have fulfilled all the conditions of purchase, such difference shall be decided by an arbitrator to be appointed by the Board of Trade on the application of such company or of the Board, whose decision as to such difference and as to the payment of the costs incurred in the proceedings before him shall be final and binding upon such company and the Board. . . .

[*Parts omitted (as to option to the Board, which was not exercised, to pay consideration by way of an annual rentcharge) spent.*]

9—14. [*Provisions as to payment of consideration. Spent.*]

15. When the receipt for the amount of the consideration . . . Transfer of undertaking. agreed upon or so ascertained as aforesaid to be paid for the purchase of the undertaking of any company has been signed in manner directed by this Act, then such undertaking shall, by virtue thereof and of this Act, be transferred to and vested in the Board, and they shall be entitled to immediate possession, and they shall have absolute control of such undertaking freed and discharged from all leases, contracts, debts, charges, and liabilities whatsoever of the company affecting the same, and thereupon all duties, obligations, and liabilities of the company in respect of the same shall, save as by this Act expressly provided, absolutely cease and determine. [*Part omitted (as to first payment of rentcharge) spent.*]

16. After the Board has acquired absolute control of any undertaking, the tolls and charges arising from or in connexion with the bridge or bridges comprised in such undertaking shall cease to be levied thereon and the said bridge or bridges shall be open free to the public, and the said bridge or bridges if specified in Part I. of the schedule to this Act annexed, and the roads over the same, shall be maintained and repaired by the Board, and the said bridges shall not be or become county bridges,* but the approach roads thereto shall be public highways maintainable and repairable as other highways in the parish or district in which the same shall be situate respectively. Effect of transfer.

Provided always, that the bridges specified in the several divisions herein-after mentioned shall be open free to the public at one and the same time ; that is to say, 1st division, Waterloo Bridge, and the footbridge at Charing Cross and also the footbridge at Cannon Street, unless the same be then closed and discontinued in accordance with the provisions of this Act ; 2nd division, Lambeth Bridge, Vauxhall Bridge, Chelsea Bridge, Albert Bridge, and Battersea Bridge ; 3rd division, Wandsworth Bridge, Fulham (otherwise Putney) Bridge, and Hammersmith Bridge.

17—21. [*Pending proceedings not to abate—Companies to continue liable for their debts.—As to property of Companies not part of their undertakings—Compensation to Companies' officers. Spent.*]

22. [*Power to the Board to sell surplus lands and as to application of moneys arising therefrom. Spent. See also 53 & 54 Vict. c. 41, s. 25.*]

* Amended 58 & 59 Vict. c. cxxvii, s. 16.

Special provisions as to Deptford Creek Bridge.
7 W. 4. and 1 Vict. c. exx.

23. Whereas under the provisions of a local and personal Act passed in the first year of the reign of Her present Majesty, that is to say, the Act first Victoria, chapter one hundred and twenty (in this Act referred to as "the Act of 1837"), the London and Greenwich Railway Company* are required to pay by way of compensation, recompense, or allowance to the Deptford Creek Bridge Company in every year the difference (if any) between the moneys received in such year by the said Deptford Creek Bridge Company by way of rent for the tolls taken in respect of such bridge and a sum of two thousand three hundred and twenty-five pounds :

And whereas it is expedient that from and after the transfer to the Board of the undertaking of the Deptford Creek Bridge Company, provision should be made for the payment to the Board of so much on account of such compensation, recompense, or allowance as shall be just, and as but for the passing of this Act would continue to be paid to the Deptford Creek Bridge Company by the London and Greenwich Railway Company* : Therefore,

In estimating the consideration to be paid for the undertaking of the Deptford Creek Bridge Company, such consideration shall be estimated upon the basis that the Deptford Creek Bridge Company is entitled to receive not only the actual tolls of such bridge, but also annually and in perpetuity from the London and Greenwich Railway Company,* their lessees and assigns, the difference between such tolls and the sum of two thousand three hundred and twenty-five pounds, and the net annual value of the tolls and revenue of the said company shall be ascertained separately in manner by this Act prescribed, and due regard shall be had to the liability of the London and Greenwich Railway Company,* their lessees and assigns, under section nine of the Act of 1837, to the payments therein prescribed in respect of such tolls and revenue and to the possible determination thereof, and the amount of the net annual value of such tolls as specifically ascertained is herein-after in this section referred to as "the net annual value of the tolls of Deptford Creek Bridge."

The London and Greenwich Railway Company,* their lessees and assigns, shall, from and after the transfer of the Deptford Creek Bridge to the Board, from time to time pay to the Board the difference between the sum of two thousand three hundred and twenty-five pounds mentioned in the said ninth section of the Act of 1837 and the net annual value of the tolls of Deptford Creek Bridge, at the times and in the manner provided by the said ninth section for the payments to be made thereunder to the Deptford Creek Bridge Company, and as if the amounts so from time to time payable had by the Act of 1837 been specifically mentioned and been made payable to the Board instead of to the Deptford Creek Bridge Company : Provided always, that the Board and the London and Greenwich Railway Company,* and their lessees and assigns, may at any time contract and agree for the payment by the London and Greenwich Railway Company,* their lessees or assigns, of a capital sum in lieu of the before-mentioned annual payments.

7 W. 4. and 1 Vict. c. exx.

The properties by the tenth section of the Act of 1837 charged with the payment to the Deptford Creek Bridge Company of compensation, recompense, or allowance shall continue to be charged

* This Company's undertaking was leased to the South-eastern Railway Company by the London and Greenwich Railway Company's Act 1845.

with the payment of the moneys by this Act made payable to the Board on account of such compensation, recompense, or allowance by the London and Greenwich Railway Company,* in like manner in every respect as if the same had by the said Act been made payable to the Board instead of to the Deptford Creek Bridge Company, and all the powers and remedies by the said tenth section provided for the recovery by the said Deptford Creek Bridge Company of compensation, recompense, or allowance which might from time to time become due and be unpaid by the said London and Greenwich Railway Company* shall enure to the benefit of and may be exercised by the Board in like manner in every respect as if the Board were in the said section substituted for the Deptford Creek Bridge Company.

[Part omitted (as to the right of the South-eastern Railway Company to be heard in proceedings relating to consideration to be paid under this Act) spent.]

24. [Greenwich District Board of Works to control Deptford drawbridge. Superseded 49 & 50 Vict. c. cxii. s. 39.]

25. [Dissolution of companies. Spent.]

26. [Power to the Board to borrow £1,500,000. Spent.]

27. [Justices of the Peace of Middlesex and Surrey to contribute towards maintenance of bridges. Superseded by readjustment under 51 & 52 Vict. c. 41, s. 40 (7). See *ibid.* s. 90.]

28. [Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv.]

29. All sums which from time to time the Board may require for the purpose of carrying to the Consolidated Loans Fund such sums as may be approved by the Treasury as necessary to be so carried in respect of moneys borrowed under the authority of this Act, and all sums which from time to time the Board may require to defray any such expenses as aforesaid and which any vestry† or district board‡ may by precept be required to pay to the Board in pursuance of the provisions of this Act, shall in such precept be termed "bridge expenses,"† and shall be paid by such vestry† and district board‡ respectively, and shall be raised in like manner as if the same were required by the said vestry† or district board‡ for defraying such of the expenses of such vestry† or district board‡ as are chargeable upon their general rate.

Moneys required from vestries and district boards to be raised as a general rate.

30. The South-eastern Railway Company may from time to time close such part or parts of the Claring Cross Railway Bridge as may for the time being be appropriated for the purposes of foot traffic, and discontinue the use thereof for such purposes upon substituting in lieu thereof such other adequate and proper accommodation for the said foot traffic as may be agreed upon between the Board and the Company, or failing such agreement as may be settled by arbitration, and thereupon all rights of way or passage over such part or parts so closed as aforesaid shall absolutely cease and determine, and the provisions of this Act in relation thereto shall apply to the accommodation so substituted in lieu thereof as aforesaid

As to the two footbridges of the South-eastern Railway Company.

* This Company's undertaking was leased to the South-eastern Railway Company by the London and Greenwich Railway Company's Act 1845.

† Now the Metropolitan Borough Council. See 62 & 63 Vict. c. 14, s. 1.

‡ Now raised as part of the general county rate. See 51 & 52 Vict. c. 41, s. 3.

in every respect as if such substituted accommodation had originally been the bridge of such company as defined by this Act.

[Part omitted (as to the right of the South-eastern Railway Company to close the Cannon Street footbridge) spent.]

Saving rights
of London
Gaslight
Company.

31. Nothing in this Act contained shall prejudice, affect, or alter any right, privilege, or power vested in or enjoyed or exercisable by the London Gaslight Company* in respect of any main or pipe laid under, over, or along any bridge or the approaches thereto.

32. *[Saving the rights of the Thames Conservancy.]*

33. *[Expenses of obtaining Act. Spent.]*

The SCHEDULE to which this Act refers.

PART I.

First Column.	Second Column.
†1. Hammersmith Suspension Bridge .	Hammersmith Bridge Company.
‡2. Fulham (otherwise Putney) Bridge .	Fulham Bridge Company.
3. Wandsworth Bridge	Wandsworth Bridge Company.
†4. Battersea Bridge }	Albert Bridge Company.
5. Albert Bridge }	
§6. Vauxhall Bridge	Vauxhall Bridge Company.
7. Lambeth Bridge	Lambeth Bridge Company.
8. Waterloo Bridge	Waterloo Bridge Company.
9. Deptford Creek Bridge	Deptford Creek Bridge Company.
10. Chelsea Suspension Bridge	The Commissioners of Her Majesty's Works and Public Buildings.

PART II.

¶11. Footbridge at Charing Cross Railway Station, as set apart for the use of foot passengers on the 1st day of January 1877.	South-eastern Railway Company.
**12. Footbridge at Cannon Street Railway Station, as set apart for the use of foot passengers on the 1st day of January 1877.	

* Amalgamated with the Gaslight & Coke Company by an Order in Council made in 1883 under 31 & 32 Vict. c. cxxv. ss. 18—24.

† See 44 & 45 Vict. c. xcii. s. 50.

‡ New bridges in lieu of these were built under powers obtained by 44 & 45 Vict. c. xcii.

§ The old bridge was altered under powers obtained by 44 & 45 Vict. c. xcii., and powers to rebuild the bridge were obtained by 58 & 59 Vict. c. cxxix.

|| This bridge was reconstructed in 1881. See 44 & 45 Vict. c. xcii.

¶ The original bridge, which was built and carried on as a toll bridge undertaking under 6 & 7 Wm. 4, c. cxxxiii., 6 Vict. c. xix., 8 & 9 Vict. c. lxii., 12 & 13 Vict. c. li. and 14 & 15 Vict. c. cxliv. by the Hungerford and Lambeth Suspension Footbridge Company (by 8 & 9 Vict. c. lxii. called the "Charing Cross Bridge Company"), was, with the Bridge Company's undertaking, acquired by the Charing Cross Railway Company, who removed the original bridge and provided this footbridge in place thereof. See the Charing Cross Railway Act 1859, and the Hungerford Market and Charing Cross Bridge Act 1860. See also 49 & 50 Vict. c. cxii. ss. 7 and 22. The Charing Cross Railway Company was amalgamated with the South-eastern Railway Company by the Charing Cross Railway Company's Act 1863 (26 & 27 Vict. c. cxv.)

** In consequence of this footbridge having been closed by the Railway Company, no transfer thereof was effected under this Act.

CHAPTER CIII.

AN ACT TO CONFIRM CERTAIN PROVISIONAL ORDERS OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF CERTAIN AREAS WITHIN THE METROPOLIS.

[12th July 1877.]

[Preamble.]

1. The Orders set out in the schedule hereunto annexed are hereby confirmed. Provisional Orders in schedule confirmed.

2. This Act may be cited as the Metropolis (Goulston Street, Flower and Dean Street, Whitechapel, etc.) Improvement Provisional Orders Confirmation Act, 1877. Short title.

SCHEDULE.

METROPOLIS (GOULSTON STREET AND FLOWER AND DEAN STREET, WHITECHAPEL.) IMPROVEMENT.

[Provisional Order of the Home Secretary of 14th May 1877 confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Act 1875, for the improvement of two unhealthy areas within the Whitechapel district. The Order recites that the number of persons of the working class displaced by the Scheme is estimated at 3,247, and that, in addition, there are in the Flower and Dean Street area registered lodging-houses containing 123 rooms, with accommodation for 757 occupants. The Order provides for clearing the improvement areas, and for the erection thereon of dwellings to accommodate 3,260 persons of the working class, and requires the widening of Middlesex Street to 40 feet from Whitechapel High Street to Wentworth Street; Goulston Street to 40 feet; New Goulston Street to 30 feet; Wentworth Street to 40 feet from Middlesex Street to Old Castle Street; Wentworth Street to 40 feet from Commercial Street to George Yard; George Street to 30 feet; Flower and Dean Street to 30 feet from the rear of houses in Commercial Street to George Street; and Upper Keate Street and Keate Court to 30 feet. Spent.]

METROPOLIS (SAINT GEORGE THE MARTYR, SOUTHWARK.) IMPROVEMENT

[Provisional Order of the Home Secretary of 14th May 1877 confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Act 1875, for the improvement of three unhealthy areas within the parish of Saint George the Martyr, Southwark. The Order recites that the number of persons of the working class displaced by the Scheme is estimated at 926, and that in addition there are in the Mint Street area 10 registered lodging-houses with 61 rooms, and accommodation for 340 persons. The Order provides for clearing the improvement areas, and for the erection thereon of dwellings to accommodate 1,108 persons of the working class, and requires the widening of Mint Street to 30 feet between Harrow Street and Blue Ball Alley; Harrow Street to 30 feet between Mint Street and Suffolk Court; Blue Ball Alley to 30 feet; Webber Row, so far as it is affected by the Scheme, to 30 feet; Tower Street, so far as it is affected by the Scheme, to 30 feet; and King Street, so far as it is affected by the Scheme, to 30 feet. Spent.]

METROPOLIS (BEDFORDBURY, SAINT MARTIN-IN-THE-FIELDS, AND STRAND DISTRICT.) IMPROVEMENT.

[Provisional Order of the Home Secretary of 14th May 1877 confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Act 1875, for the improvement of an unhealthy area partly within the parish of St. Martin-in-the-Fields and partly within the Strand district. The Order recites that the number of persons displaced by the Scheme is estimated at 797. The Order provides for clearing the improvement area, and for the erection thereon of dwellings to accommodate 817 persons of the working class, and requires the widening of Bedfordbury to 30 feet; Chandos Street to 45 feet between No. 60 and Bedfordbury; and for a new street, 30 feet wide, to be formed from Bedfordbury to Bedford Court. Spent.]

CHAPTER CXXXIII.

* AN ACT TO CONFIRM CERTAIN PROVISIONAL ORDERS OF ONE OF
HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE
IMPROVEMENT OF CERTAIN UNHEALTHY AREAS WITHIN THE
METROPOLIS. [23d July 1877.]

Provisional
Orders in
schedule
confirmed.
Short title.

[*Preamble.*]

1. The Orders set out in the schedule hereunto annexed are hereby confirmed.

2. This Act may be cited as The Metropolis (Great Wild Street, etc.) Improvement Provisional Orders Confirmation Act, 1877.

SCHEDULE.

METROPOLIS (GREAT WILD STREET, ST. GILES-IN-THE-FIELDS,) IMPROVEMENT.

[*Provisional Order of the Home Secretary of 17th May 1877 confirming a Scheme prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Act 1875 for the improvement of an unhealthy area in the parish of St. Giles-in-the-Fields. The Order recites that the number of persons of the working class displaced by the Scheme is estimated at 1,598, and that in addition there are 5 registered lodging-houses, containing 44 rooms, with accommodation for 241 persons. The Order provides for clearing the improvement area and for the erection thereon of dwellings to accommodate 1,679 persons of the working class, and requires the widening of Princes Street to 40 feet between Drury Lane and Great Wild Street, and of the eastern end of Great Wild Street to 40 feet. Spent.*]

METROPOLIS (PEAR TREE COURT, CLERKENWELL,) IMPROVEMENT.

[*Provisional Order of the Home Secretary of 17th May 1877 confirming a Scheme prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Act 1875 for the improvement of an unhealthy area in the parish of St. James, Clerkenwell. The Order recites that the number of persons of the working class displaced by the Scheme is estimated at 410. The Order provides for clearing the improvement area and the erection thereon of dwellings to accommodate 454 persons of the working class, and also requires the widening of the north-west end of Clerkenwell Close to 67 feet, the formation of a new street, No. 1, 30 feet wide from Clerkenwell Close to Robert's Court, and of a new street, No. 2, 30 feet wide from Clerkenwell Close in a south-westerly direction towards Coppice Row. Spent.*]

METROPOLIS (WHITECROSS STREET, ST. LUKE,) IMPROVEMENT.

[*Provisional Order of the Home Secretary of 17th May 1877 confirming a Scheme prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Act 1875 for the improvement of certain unhealthy areas in the parish of St. Luke, Middlesex.† The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 3,631. The Order provides for clearing the improvement areas and for the erection thereon of dwellings to accommodate 3,838 persons of the working class. The Order also requires the widening of (No. 1) Coleman Street, on the south side to 40 feet, and its extension, of the same width, into Whitecross Street; the formation of a new street, No. 2, 40 feet wide, in continuation of No. 1, from Whitecross Street to Golden Lane; a new street, No. 3, 30 feet wide, in continuation of Banner Street, from Whitecross Street to Reform Place, and 20 feet wide thence to Hartshorn Court; a new street, No. 4, 30 feet wide, to connect Nos. 2 and 3 in the line of Little Cheapside; a new street, No. 5, 40 feet wide, from Bunhill Row to Whitecross Street in the line of Twisters Alley; a new street, No. 6, 30 feet wide, from the wide part of Lamb's Buildings to Whitecross Street, in the line of Blue Anchor Alley; a new street, No. 7, 30 feet wide, in continuation of Chequer Alley to Whitecross Street; a new street, No. 8, 30 feet wide, connecting No. 7 with Coleman Street; and a new street, No. 9, 30 feet wide, connecting street No. 7 with street No. 5, in line of Graham Buildings; the widening*

* This Act was amended by 43 & 44 Vict. c. cxxxi.

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

of Whitecross Street to 40 feet on the east side from Bullock Alley to Foster's Buildings, and of Chequer Alley to 18 feet, or thereabouts, for the length of George's Court. Spent.]

METROPOLIS (HIGH STREET, ISLINGTON,) IMPROVEMENT.

[Provisional Order of the Home Secretary of 17th May 1877 confirming a Scheme prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Act 1875 for the improvement of an unhealthy area in the parish of St. Mary, Islington. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 515. The Order provides for clearing the improvement area and for the erection of dwellings thereon to accommodate 556 persons of the working class, and requires the widening of Black Horse Yard to 35 feet. Spent.]

METROPOLIS (OLD PYE STREET, WESTMINSTER,) IMPROVEMENT.

[Provisional Order of the Home Secretary of 17th May 1877 confirming a Scheme prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Act 1875 for the improvement of an unhealthy area in the Westminster district. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 874. The Order provides for clearing the improvement area and for the erection thereon of dwellings to accommodate 876 persons of the working class, and requires the widening of part of Orchard Street to 40 feet; Old Pye Street to 30 feet between New Pye Street and St. Ann's Street; St. Ann's Street to 40 feet between Orchard Street and Old Pye Street; New Pye Street to 30 feet; and Perkins' Rents to 30 feet from the rear of houses in Great Peter Street to Old Pye Street. Spent.]

CHAPTER CCI.

* AN ACT TO CONFIRM SCHEMES UNDER THE METROPOLITAN COMMONS ACT, 1866, AND THE METROPOLITAN COMMONS AMENDMENT ACT, 1869, RELATING RESPECTIVELY TO EALING COMMONS, CLAPHAM COMMON, AND BOSTALL HEATH COMMON. [2d August 1877.]

[Preamble recites (inter alia) that the Inclosure Commissioners have in pursuance of 29 & 30 Vict. c. 122, and 32 & 33 Vict. c. 107, certified schemes for the establishment of local management with respect to Ealing Commons, Bostall Heath Common, and Clapham Common.]

1. The schemes for the establishment of local management with respect to Ealing Commons, situate in the county of Middlesex, and with respect to Clapham Common, situate in the county of Surrey,† and with respect to Bostall Heath Common, situate in the county of Kent,‡ respectively certified by the Inclosure Commissioners for England and Wales,§ under their seal on the twenty-seventh day of January one thousand eight hundred and seventy-six, the twenty-fourth day of August one thousand eight hundred and seventy-six, and the twenty-first day of December one thousand eight hundred and seventy-six, shall be modified so as to be in the terms respectively specified in the first, second, and third schedules to this Act, and so modified shall be hereby confirmed.

Schemes as to Ealing Commons, Clapham Common, and Bostall Heath Common confirmed with modifications.

2. This Act may be cited for all purposes as the Metropolitan Commons Supplemental Act, 1877. Short title.

* The powers and duties of the Metropolitan Board of Works under this Act and the Schemes as to Clapham Common and Bostall Heath thereby confirmed were transferred to the London County Council by 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 41, s. 10 (2).

‡ Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

FIRST SCHEDULE.

[Scheme with respect to Ealing Commons. Does not affect London.]

SECOND SCHEDULE.

Metropolitan Commons Act, 1866, and Metropolitan Commons Amendment Act, 1869.

SCHEME WITH RESPECT TO CLAPHAM COMMON.

[Preamble to the Scheme recites that by an agreement of the 5th January 1875, Richard Boswell Beddome and twenty-five other persons, then the holders of a lease of Clapham Common for twenty-one years from the 25th day of March 1864, agreed with the Metropolitan Board of Works, in the event of a Scheme under the Metropolitan Commons Act embracing the Common being confirmed by Parliament during the sessions of 1874 (then past) or 1875, to surrender or assign to the Board the premises demised by the said lease and all their estate and interest therein without compensation; and further recites that by another agreement of the same date the Right Honourable John Poyntz, Earl Spencer, K.G., as lord of the manor of Battersea and Wandsworth, as to the hereditaments firstly thereafter described, Sir George Bowyer, Bart., M.P., and Charles Sargy, the trustees of Henry Atkins Bowyer, deceased, as lords of the manor of Clapham, as to the hereditaments secondly thereafter described, and Henry Atkins Bowyer, tenant for life of the hereditaments devised by Henry Atkins Bowyer, deceased, agreed in the event of a Scheme being confirmed as aforesaid to sell to the Board firstly the part of Clapham Common situate in the parish of Battersea and within the manor of Battersea and Wandsworth, and secondly the remaining portions of Clapham Common situate in the parish of Clapham and within the manor of Clapham, subject to all such rights of common, commonable rights, rights of way and water, as any person or persons (other than the vendors or any persons claiming under them, except the lessees or tenants under the before-mentioned lease) might have in the said hereditaments, and also subject as regards the hereditaments secondly described to the before-mentioned lease thereof (except a small portion thereof situate at the back of the Rookery and used as a lay-stall), and to a lease of a piece of land used as a laystall dated the 1st June 1864* and made between the said Henry Atkins Bowyer deceased of the one part and the Wandsworth Board of Works of the other part; and the preamble further recites certain other agreements and lastly two agreements of the 1st June 1876 between the said parties, substituting the sessions of 1875, 1876, or 1877 for the sessions of 1874 or 1875 in the firstly recited agreements, and further recites the deposit of a plan of the Common with the Inclosure Commissioners.†]

1. From and after the completion of the said surrender and the said purchase, the Commons or waste lands delineated in the said plan (in this Scheme referred to as "the Common") shall be and are hereby dedicated to and for the use and recreation of the public as an open and uninclosed space for ever, and shall for the purposes of this Scheme be regulated and managed by the Board: provided that if the said surrender and the said purchase be not completed within three years from the date of the confirmation of this Scheme by Parliament, this Scheme shall be void.

2. [Power to appoint and regulate officers. Superseded by the *Municipal Corporations Act 1882*, ss. 19 and 20 (see *Appendix*), and 51 & 52 *Vict. c. 41*, s. 75. See also 18 & 19 *Vict. c. 120*, s. 202.]

3. The Board may drain, plant, ornament, and improve the Common as may be necessary, and, for the purpose of preserving the turf and grass, may inclose by fences for short periods such portions as may require rest to revive the same. No house or any other building shall be erected on the Common, except such lodges or other buildings as may be necessary for the maintenance or management of the said Common. The Board may from time to time erect on the Common such lodges and other buildings as may be necessary for the maintenance or management of the said Common. [See also 50 & 51 *Vict. c. cvi.* s. 50, and 58 & 59 *Vict. c. cxxvii.* s. 45.]

4. The Board shall maintain the Common, as delineated in the plan deposited with the Inclosure Commissioners,† free of all encroachment, and shall permit no trespass on or partial or other inclosure thereof; and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board.

* As to land used as a laystall. See 2 *Edw. 7, c. clxxiii.* s. 36.

† Now the Board of Agriculture. See the *Board of Agriculture Act 1889*, s. 2.

5—7. [*As to byelaws and penalties. Superseded 40 Viet. c. viii. ss. 3, 4, and 10; 53 & 54 Viet. c. cexliii. ss. 14—21; and 61 & 62 Viet. c. cxxxi. s. 61.*]

8. The Board may set apart any portion or portions of the Common as they may consider expedient for cricket or other games.

9. The Board shall be at liberty to receive and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

10. [*Expenses of obtaining and executing Scheme. Spent in part. Rener. superseded 51 & 52 Viet. c. 41, part iv.*]

11. Except for those persons who now by law are entitled to do so, and whose rights shall not be acquired by the Board under the said agreements, or shall not be purchased or acquired by the Board under this Scheme, it shall not be lawful to turn out on the Common for grazing any cattle, sheep, or other animal.

12. No proceeding touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.

13. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or right of a profitable or beneficial nature in, over, or affecting the Common, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament, except only so far as any such estates, interests, or rights are or shall be acquired by the Board under the agreements herein-before recited, or either of them, or shall be acquired by the Board by consent or by purchase, whether by agreement or compulsorily.

14. The copyhold tenants of the manor of Battersea and certain freehold tenants of the manor of Clapham claim rights of common of pasture over the Common. The claimants consent to the Scheme.

15. This Scheme affects the several estates, interests, and rights in, over, and upon the Common, and not included in the said agreements, by conferring on the Board power to purchase the same, or any of them, with the view to their absolute extinction.

16. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding 2s. 6d. each.

THIRD SCHEDULE.

Metropolitan Commons Acts, 1866 and 1869.

SCHEME WITH RESPECT TO BOSTALL HEATH.*

1. Bostall Heath, herein-after called "the Heath," in the county of Kent,† as the same is delineated in a plan deposited with the Inclosure Commissioners ‡ for England and Wales, shall henceforth, for all the purposes of this Scheme, be regulated and managed by the Metropolitan Board of Works, herein-after termed "the Board."

2. [*Power to appoint and regulate officers. Superseded by the Municipal Corporations Act 1882, ss. 19 and 20 (see Appendix), and 51 & 52 Viet. c. 41, s. 75. See also 18 & 19 Viet. c. 120, s. 202.*]

3. The Board may execute any works of drainage and improvement of the Heath so far only as may be required for the purposes of the Metropolitan Commons Acts, and shall preserve the turf and grass, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and shall also preserve the trees and so much of the gorse as they may deem desirable, and may plant or otherwise beautify the Heath, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the Heath.

4. The Board shall maintain the Heath, as delineated in the plan deposited with the Inclosure Commissioners,‡ free of all encroachment, and shall permit

* See also 50 & 51 Viet. c. cvi. s. 30.

† Now the county of London. See 51 & 52 Viet. c. 41, s. 40 (2).

‡ Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

no trespass on or partial or other inclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board.

5—7. [*As to byelaws and penalties. Superseded 40 Vict. c. viii. ss. 3, 4, and 10; 53 & 54 Vict. c. cexliii. ss. 14—21; and 61 & 62 Vict. c. cexxi. s. 61.*]

8. Except for the owner or owners for the time being of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature in, into, or under any part or parts of the Heath.

9. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the Heath for grazing any cattle, sheep, or other animal.

10. The Board may have power to apply at any time for an amended Scheme or for a new Scheme.

11. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Heath under the care of the Board, or shall prevent the Board of Works for the Plumstead district,* by their officers and servants, taking such portions of the Heath as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make; but it shall not be lawful for the said Board or any other person or persons to make or form any new roads over and across the Heath without the consent in writing of the Board.

12. [*Expenses of obtaining and executing Scheme. Spent in part. Remr. superseded 51 & 52 Vict. c. 41, part iv.*]

13. The Board shall be at liberty to receive and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

14. No proceeding touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.

15. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting the Heath, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament.

16. [*As to compensation to Queen's College, Oxford, as lords of the manor of Plumstead. Spent.*]

17. The lords of the manor of Plumstead claim the soil and freehold of the Heath and the minerals under the same. The freehold tenants of the manor claim certain rights of common of pasture and of cutting turf, furze, gorse, and fern over and upon the Heath.

18. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding 6d. each.

CHAPTER CCXXXV.

AN ACT FOR ENABLING THE METROPOLITAN BOARD OF WORKS TO MAKE CERTAIN NEW STREETS AND STREET IMPROVEMENTS WITHIN THE METROPOLIS. [14th August 1877.]

[*Preamble.*]

Short title.

1. This Act may be cited as “The Metropolitan Street Improvements Act, 1877.”

2. [*Incorporation of Lands Clauses Acts. Spent.*]

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be some-

* Now the Council of the Metropolitan Borough of Woolwich. See 62 & 63 Vict. c. 14, s. 4.

thing in the subject or context repugnant to such construction ; (that is to say,)

The word "streets" includes streets, courts, alleys, highways, roadways, thoroughfares, or public passages or places ;

The term "improvements" means the new streets and street improvements and works connected therewith respectively by this Act authorised ;

The expression "the Board" means the Metropolitan Board of Works * ;

[*Parts omitted (definitions of "Justice," "two Justices," and "lessee," and as to meanings of words in Acts incorporated) spent.*]

4. Subject to the provisions of this Act, the Board may, upon the lands to be acquired by them under the powers of this Act and shown upon the deposited plans,† make and carry into execution all or any of the new streets and street improvements following ; (that is to say,)

Power to make new streets and street improvements.

WEST END NEW STREETS AND STREET IMPROVEMENTS.

A new street (No. 1) all in the parishes of St. James, Westminster, and St. Anne, Soho, in the county of Middlesex,‡ commencing at Regent Circus, Piccadilly, in the parish of St. James, Westminster, on the north-eastern side of the said Circus, then crossing Tichborne Street and Great Windmill Street to Rupert Street, thence continued by the widening of Richmond Street and King Street on the south-eastern sides thereof, then by the formation of a short length of new street to and terminating at Grafton Street, near its intersection with West Street in the parish of St. Anne, Soho.

A new street (No. 2) in continuation of street (No. 1), all in the parishes of St. Anne, Soho, St. Giles-in-the-Fields, and St. George, Bloomsbury, commencing at the termination of street No. 1, in the parish of St. Anne, Soho, and extending thence by the widening of Dudley Street on its south-eastern side, thence along Broad Street, and thence by the formation of a new street across Bloomsbury Street, Vine Street, and Thorney Street, and terminating in New Oxford Street at or near its intersection with Duke Street in the parish of St. George, Bloomsbury.

A new street (No. 3) commencing at the eastern side of the said Regent Circus, Piccadilly, in the parish of St. James, Westminster, by the widening of Piccadilly on the north side, then by the widening of Coventry Street on the south side, and the widening of Princes Street on the west side, and terminating at Panton Street in the parish of St. Martin-in-the-Fields, and St. Anne, Soho, or one of them. The intended street will be situate in the several parishes of St. James, Westminster, St. Anne, Soho, and St. Martin-in-the-Fields, in the county of Middlesex.‡

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Certain lands shown on these plans were excepted from the provisions of this section by the Metropolitan Street Improvements Act, 1883 (46 Vict. c. cxxiii.), which is now spent.

‡ Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

The widening of Tichborne Street on its south-west side in the parish of St. James, Westminster.

The widening of Great Windmill Street on its west side from Angel Court to the intersection of Tichborne Street and Piccadilly, and also at or near its south-eastern corner and junction with Coventry Street, all in the parish of St. James, Westminster.

A new street (No. 6) commencing in Trafalgar Square at its south-east corner in the parish of St. Martin-in-the-Fields, to be formed partly by widening the roadway on the eastern side of the square, by widening St. Martin's Place, thence by a short length of new street commencing at Hemmings Row, and terminating at Castle Street, thence by widening Castle Street partly on the east and partly on the west side, thence by a new street from the north end of Castle Street, crossing Prince's Row, Lichfield Street, Grafton Street, and Moor Street to the south end of Crown Street, thence by widening Crown Street on the east and partly on the west sides, and terminating at Tottenham Court Road, at or near its junction with Oxford Street in the parishes of St. Anne, Soho, St. Giles-in-the-Fields, and St. Marylebone, or one of them. The intended street will pass through the parishes of St. Martin-in-the-Fields, St. Anne, Soho, St. Giles-in-the-Fields, and St. Marylebone, or some of them, in the county of Middlesex.*

GRAY'S INN ROAD IMPROVEMENT.

The widening of Gray's Inn Road on its east side, all in the parishes of St. Andrew, Holborn, and St. Pancras, or one of them, commencing in High Holborn in the parish of St. Andrew, Holborn, and terminating opposite Henry Street in the parishes of St. Andrew, Holborn, and St. Pancras, or one of them.

[*Amended 45 & 46 Vict. c. ccxxi. s. 2.*]

KENTISH TOWN ROAD IMPROVEMENT.

The widening of Kentish Town Road on the east side from a point about fifty yards to the south of Clarence Road to its junction with Monte Video Place.

The widening of Monte Video Place on the west side from Col-lumpton Place to Alpha Place, and on the east side from Reed's Place to Rochester Road, and the Kentish Town Road on the east side from Rochester Road to Bartholomew Road, all in the parish of St. Pancras, in the county of Middlesex.*

ISLINGTON IMPROVEMENT.

The widening of Goswell Road on the south-west side thereof from or near the house No. 353 in that road to the junction of Goswell Road with St. John Street Road. Also the widening of St. John Street Road from or near the house No. 196 in that road to the junction of that road with Goswell Road, all in the parishes of St. James, Clerkenwell, and St. Mary, Islington, or one of them, in the county of Middlesex.*

* Now the county of London. See 51 and 52 Vict. c. 41, s. 40 (2).

HACKNEY IMPROVEMENT.

The widening of Mare Street, Hackney, on its west side from its junction with Amburst Road East, otherwise Amburst Road, to a point about 80 yards to the north opposite the churchyard, all in the parish of St. John, Hackney, in the county of Middlesex.*

TOOLEY STREET IMPROVEMENT.

The widening of Tooley Street, partly on the south-west and partly on the north-east sides, from Bermondsey Street, in the parish of St. John, Horsleydown, to Queen Elizabeth's Grammar School, and in continuation the widening of Free-school Street and Thornton Street on their south-west sides and Dockhead partly on its south and partly on its north side to a point opposite the Roman Catholic Convent, in the parish of Bermondsey. Also the widening of Hickman's Folly and Parker's Row at and near the junction of those thoroughfares and London Street on its south side, from Hickman's Folly to a point about 70 yards to the east thereof, both in the parish of Bermondsey. The widening of Mill Street on the south-east side from Dockhead to a point about 70 yards to the north-east thereof, all in the parish of Bermondsey. The said improvement will be situate in the parishes of St. Olave, Southwark, St. John, Horsleydown, and Bermondsey, or some or one of them, in the county of Surrey.*

SOUTHWARK BRIDGE ROAD AND GREAT DOVER STREET
COMMUNICATION.

A new street commencing in the Southwark Bridge Road, near its junction with Peter Street, in the parishes of St. Saviour and St. George-the-Martyr, Southwark, or one of them, and continued thence across Queen Street and Duke Street to Redcross Street, and further extended by the widening of Mint Street, partly on its north-east and partly on its south-west sides, and terminating in Blackman Street at its junction with Mint Street, in the parish of St. George-the-Martyr, Southwark, all in the parishes of St. Saviour and of St. George-the-Martyr, Southwark, in the county of Surrey.*

JAMAICA ROAD AND UNION ROAD IMPROVEMENT.

The widening of Jamaica Road, on the north side, between New Church Street and Princes Road.

Also Princes Road at its junction with Jamaica Road.

The further widening of Jamaica Road on the south side from Major Road to Jamaica Level, and on its north side from Cherry Garden Street to a point about 20 yards to the west thereof.

The widening of Jamaica Level on its west side from Jamaica Road to a point about 40 yards to the south thereof.

All the above improvements will be situate in the parish of Bermondsey in the county of Surrey.*

The widening of Union Road on its north side from Paradise Street to Deptford Lower Road, in the parish of Rotherhithe, in the county of Surrey.*

* Now the county of London. See 51 & 52 Vict. c. 11, §. 40 (2).

CAMBERWELL AND PECKHAM IMPROVEMENT.

- The widening of Camberwell Road on the east side from the house No. 285 in that road to Camberwell Green, all in the parish of St. Giles, Camberwell, in the county of Surrey.*
- The widening of Church Street, Camberwell, on its north side, commencing at the south-east corner of Camberwell Green, and terminating forty yards or thereabouts to the west of Vicarage Road, all in the parish of St. Giles, Camberwell, in the county of Surrey.*
- The widening of certain parts of the Peckham Road and High Street and Queen's Road, Peckham, partly on the north and partly on the south side, from a point fifty yards or thereabouts west of Winchester Place to a point thirty yards or thereabouts west of Montpelier Road, all in the parish of St. Giles, Camberwell, in the county of Surrey.*

DEPTFORD BRIDGE APPROACHES.

- The widening of the approaches of Deptford Bridge partly on the north and partly on the south side, commencing from the Broadway, Deptford, in the parish of St. Paul, Deptford, in the county of Kent,* and terminating in the Blackheath Road at its junction with the Greenwich Road in the parish of St. Alphage, Greenwich, in the said county.
- The widening of the Greenwich Road on its south-east side, from the Blackheath Road, to Wellington Grove in the said parish of St. Alphage, Greenwich.
- 5—14. [*Improvements to be made according to plans deposited with the Clerks of the Peace for Middlesex, Surrey, and Kent, and the city of Westminster—Saving for St. Martin's Church—Power to the Board to extinguish easements, to stop up ways during works, to raise and lower streets, to deviate, to make subsidiary works, to divert, alter, and stop up streets, etc.—Protection of Post Office telegraphs during construction of works—Alteration of water, gas, and other pipes—Power to lay out carriageways. Spent.*]
15. [*As to laying of pavements, and vesting the same when laid in the vestry† or district board† in whose parish or district they are.*]
16. [*Power to the Board to fill up sewers or drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]
17. [*Power to alter areas, pipes, etc. Spent.*]
18. [*Ground laid into the streets to form part thereof, and to be under the management of the vestry† or district board of works† of the parish or district in which the same is situate.*]
- 19—24. [*Errors and omissions in plans—Power to the Board to sell materials, and to survey property to be taken—As to compensation—Deficiencies of land tax during works. Spent.*]
- 25—27. [*Power to the Board to grant building leases of surplus lands—As to sale of ground-rents and reversions thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. ccxxxvii. s. 23. See ibid. ss. 19—22.*]

Board may grant a lease, etc. of lands.

28. The Board may from time to time let, either from year to year or for a term, at rackrent, or exchange or otherwise dispose

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the metropolitan borough council. See 62 & 63 Vict. c. 14, s. 4.

of, any building or lands, or any part thereof, acquired by them under this Act, and not required to be laid into and to form part of the improvements or any of them, and may execute and do any deed, act, or thing proper for effectuating any such lease, exchange, or other disposition.

29. [*Time for sale of surplus lands limited to 10 years from the completion of the improvements. Superseded 47 & 48 Vict. c. 50, s. 23.*]

30. The receipt of the Board for any purchase moneys, rents, or profits, or other money payable to the Board by virtue of this Act, shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received, and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Receipts of Board to be effectual discharges.

31—33. [*Periods for compulsory purchase of lands limited to 7 and for execution of works to 10 years—Rehousing persons of the labouring class.* Spent.*]

34. [*Saving the rights of the Commissioners of Works.*]

35. [*Saving the rights of the Crown.*]

36—37. [*Power to the Board to apply existing funds to the purposes of this Act—Expenses of obtaining Act. Spent.*]

SCHEDULE. [*Particulars as to labouring class persons displaced who are estimated to number 10,129. Spent.*]

41 & 42 VICTORIA. A.D. 1878.

CHAPTER 29.

AN ACT FOR CONFERRING POWERS UPON THE METROPOLITAN BOARD OF WORKS WITH RESPECT TO THE OBELISK KNOWN AS CLEOPATRA'S NEEDLE, AND OTHER MONUMENTS. [22d July 1878.]

[*Preamble recites (inter alia) that the Victoria, Albert and Chelsea Embankments, and other lands are vested in the Metropolitan Board of Works, and that it would be to the advantage of the Metropolis that facilities should be afforded for the maintenance of Cleopatra's Needle on the Victoria Embankment.*]

1. This Act may be cited as the Monuments (Metropolis) Act, 1878. Short title of Act.

2. In this Act the following terms shall have the meanings herein-after assigned to them: Interpretation.

The term "the Board" shall mean the Metropolitan Board of Works†;

The term "the obelisk" shall mean the obelisk known as Cleopatra's Needle;

The term "monument" shall include any monument, statue, or other work.

3. When the obelisk has been erected on the Victoria Embankment, the same shall thereupon be under the care and control of the Board, and the Board shall preserve and maintain the same for the benefit of the public, and the Board may erect in connexion therewith any appropriate works of art. Obelisk placed under care of the Board.

* These provisions as to rehousing persons of the labouring class were amended by the Metropolitan Street Improvements Act, 1883 (46 Vict. c. xxiii.), ss. 3—5, which sections are now spent.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Penalties for injuring obelisk or monuments.

18 & 19 Vict. c. 120.

4. Any person who injures or disfigures the obelisk, or any monument erected or to be erected on any of the said embankments or lands, or who posts any bill or placard, or who writes, cuts, prints, draws, or marks in any manner any word or character, or any representation of any object, on the obelisk or such monument, shall for every such offence forfeit and pay to the Board a penalty not exceeding five pounds, to be recovered in the manner provided by the Metropolis Management Act, 1855, and the Acts amending the same, with respect to the recovery of penalties by summary proceedings. [See 18 & 19 Vict. c. 120, s. 227.]

5. [*Expenses of executing Act. Superseded* 51 & 52 Vict. c. 41, part iv.]

CHAPTER 32.

* AN ACT TO AMEND THE METROPOLIS MANAGEMENT ACT, 1855, THE METROPOLITAN BUILDING ACT, 1855, AND THE ACTS AMENDING THE SAME RESPECTIVELY. [22d July 1878.]

[*Preamble (reciting* 18 & 19 Vict. cc. 120 and 122) *rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Metropolis Management and Building Acts Amendment Act, 1878.

Limits of Act. 18 & 19 Vict. c. 120.

2. This Act shall extend and apply to the metropolis as defined by the Metropolis Management Act, 1855.

Division of Act into three parts.

3. This Act shall consist of three parts.

PART I.

4. [*Definitions of "roadway," "centre of the roadway," and "prescribed distance." Rep.* 57 & 58 Vict. c. cexiii. s. 215.]

Metropolis Management Acts and this part of Act to be construed as one Act. 18 & 19 Vict. c. 120.

5. The Metropolis Management Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act: Provided always, that nothing in this Act shall be held to limit or restrict the powers now vested in the Commissioners of Sewers of the city of London, or in any body or person elsewhere within the metropolis, by an Act passed in the session of Parliament held in the fifty-seventh year of the reign of King George the Third, intituled "An Act for better paving, improving, and regulating the streets of the Metropolis and removing and preventing nuisances and obstructions therein." [See the *City of London Sewers Act* 1897.]

57 G. 3. c. xxix.

6—10. [*Provisions as to formation of streets. Rep.* 57 & 58 Vict. c. cexiii. s. 215. See *ibid.* ss. 6—21.]

Power to Board in certain cases to require proprietors of theatres and certain music halls in use at the time of the passing of this Act to remedy structural defects.

† 11. Whenever it appears to the Board that any house or other place of public resort within the metropolis which was at the time of the passing of this Act authorised to be kept open for the public performance of stage plays, and which is kept open for such purpose, under the authority of letters patent from Her Majesty, her heirs and successors or predecessors, or of a license granted by the Lord Chamberlain of Her Majesty's Household for the time being, or by Justices of the Peace,‡ or that any house, room, or other

* The powers and duties of the Metropolitan Board of Works under this Act were transferred to the London County Council by 51 & 52 Vict. c. 41, s. 40 (8).

† See also 45 Vict. c. lvi. s. 45.

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 7.

place of public resort within the metropolis, containing a superficial area for the accommodation of the public of not less than five hundred square feet, which was at the time of the passing of this Act authorised to be kept open, and which is kept open, for dancing, music, or other public entertainment of the like kind, under the authority of a license granted by any Court of Quarter Sessions,* is so defective in its structure that special danger from fire may result to the public frequenting the same, then and in every such case the Board may, with the consent of the Lord Chamberlain in the case of theatres under his jurisdiction, and of Her Majesty's principal Secretary of State in all other cases, if in the opinion of the Board such structural defects can be remedied at a moderate expenditure, by notice in writing require the owner of such house, room, or other place kept open for any of the purposes aforesaid, under such authority as aforesaid, to make such alterations therein or thereto as may be necessary to remedy such defects, within a reasonable time to be specified in such notice : and in case such owner fails to comply with the requirements of such notice within such reasonable time as aforesaid, he shall be liable to a penalty not exceeding fifty pounds for such default, and to a further penalty of five pounds for every day after the first day after the expiration of such reasonable time as aforesaid during which such default continues : Provided always, that any such owner may, within fourteen days after the receipt of any such notice as aforesaid, serve notice of appeal against the same upon the Board, and thereupon such appeal shall be referred to an arbitrator to be appointed by Her Majesty's First Commissioner of Works at the request of either party, who shall hear and determine the same, and may, on such evidence as he may think satisfactory, either confirm the notice served by the Board, or may confirm the same with such modifications as he may think proper, or refuse to confirm the same, and the decision of such arbitrator with respect to the requirements contained in any such notice, and the reasonableness of the same, and the persons by whom and the proportions in which the costs of such arbitration are to be paid, shall be final and conclusive and binding upon all parties.

In case of an appeal against any such notice, compliance with the requirements of the same may be postponed until after the day upon which such appeal shall be so decided as aforesaid, and the same, if confirmed in whole or in part, shall only take effect as and from such day.

12. The Board may from time to time make, alter, vary, and amend such regulations as they may think expedient with respect to the requirements for the protection from fire of houses or other places of public resort within the metropolis to be kept open for the public performance of stage plays, and of houses, rooms, or other places of public resort within the metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet, to be kept open for public dancing, music, or other public entertainment of the like kind, under the authority of letters patent from Her Majesty, . . . or of licenses by the Lord Chamberlain of Her Majesty's Household, or by any Justices of the Peace,* or by any Court of Quarter Sessions,* which may be granted for the first time after the passing of this Act : and may by such regulations prescribe the requirements as to position and structure

Power to Board to make regulations with respect to new theatres and certain new music halls for protection from fire.

* Now the London County Council. See 51 & 52 Vict. c. 11, s. 7.

of such houses, rooms, or places of public resort which may, in the opinion of the Board, be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof; provided that the Board may from time to time in any special case dispense with or modify such regulations, or may annex thereto conditions if they think it necessary or expedient so to do.

The Board shall, after the making, altering, varying, or amending of any such regulations, cause the same to be printed, with the date thereof, and a printed copy thereof shall be kept at the office of the Board, and all persons may at all reasonable times inspect such copy without payment, and the Board shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment by such person of any sum not exceeding five shillings for every such copy.

A printed copy of such regulations, dated and authenticated by the seal of the Board, shall be conclusive evidence of the existence and of the due making of the same in all proceedings under the same, without adducing proof of such seal or of the fact of such making.

From and after the making of any such regulations it shall not be lawful for any person to have or keep open any such house, room, or other place of public resort for any of the purposes aforesaid, unless and until the Board grant to such person a certificate in writing under their seal, to the effect that such house, room, or other place was on its completion in accordance with the regulations made by the Board in pursuance of the provisions of this Act for the time being in force, and in so far as the same are applicable to such house or other place, and to the conditions (if any) annexed thereto by the Board.

In case any such house, room, or place of public resort is opened or kept open by any person for any of the purposes aforesaid, contrary to the provisions of this enactment, such person shall be liable to a penalty not exceeding fifty pounds for every day on which such house or place of public resort is so kept open as aforesaid. [*Words omitted* ("her heirs or successors") *rep.* 57 & 58 *Vict. c.* 56 (*S.L.R.*).]

Provisional
license for
new premises.

13. A person interested in any premises about to be constructed, or in course of construction, which are designed to be licensed and used within the metropolis for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind, may apply to the licensing authority for the grant of a provisional license in respect of such premises. The grant of such provisional license shall, in respect of the discretion of the licensing authority and procedure, be subject to the same conditions as those applicable to the grant of a like license which is not provisional. A provisional license so granted shall not be of any force until it has been confirmed by the licensing authority; but the licensing authority shall confirm the same on the production by the applicant of a certificate by the Board that the construction of the premises has been completed in accordance with the regulations and conditions made by the Board as herein-before provided, and on being satisfied that no objection can be made to the character of the holder of such provisional license.

PART II.

14—20. [*Provisions as to the construction of buildings. Rep. 57 & 58 Vict. c. cexiii. s. 215.*]

PART III.

21. The architect of the Board, and any other person authorised by the Board in writing under their seal, may, at all reasonable times after completion or during construction, enter and inspect any house, room, or other place kept open or intended to be kept open for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind affected by any of the provisions of this Act, or of any regulations made in pursuance thereof; . . . and if any person refuses to admit such architect, person, . . . or to afford him all reasonable assistance in such inspection, in every such case the person so refusing shall incur for each offence a penalty not exceeding twenty pounds. [*Parts omitted (power of entry for the district surveyor) rep. 57 & 58 Vict. c. cexiii. s. 215.*]

Power for architect and persons authorised by Board, and district surveyor, to enter and inspect theatres, music halls, buildings, and works.

22. For the purpose of complying with the requirements of any notice or order served or made under the provisions of this Act on any owner, builder, or person in respect of any house, building, or other erection, room, or place, such owner, builder, or person, his servants, workmen, and agents, may, after giving seven days notice in writing to the occupier of such house, building, or other erection, room, or place, and on production of such notice or order, enter such house, building, or other erection, room, or place, and do all such works, matters, and things therein or thereto, or in connexion therewith, as may be necessary; and if any person refuses to admit such owner, builder, or person, or his servants or workmen or agents, or to afford them all reasonable assistance, such person shall incur for each offence a penalty not exceeding twenty pounds. [*Rep. 57 & 58 Vict. c. cexiii., so far as relating to any notice or order served or made under any provision thereby repealed.*]

Power to owners, etc., to enter houses, etc., to comply with notices or order.

23. Every penalty imposed by Part I. and Part III. of this Act may be recovered by summary proceedings before any Justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolis Management Act, 1855, and the Acts amending the same . . . : Provided always, that in any proceedings against any person for more than one penalty in respect of one or more breach or breaches of any provision of this Act or of any byelaw made in pursuance of this Act, it shall be lawful to include in one summons all such penalties, and the charge for such summons shall not exceed two shillings. [*Part omitted (as to penalties under Part II. of this Act) rep. 57 & 58 Vict. c. cexiii. s. 215. See also 18 & 19 Vict. c. 120, ss. 227, 231, and 232.*]

Recovery of penalties.

18 & 19 Vict. c. 120.

24. Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolis Management Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

Exceptions from Metropolis Management Acts extended to this Act.

18 & 19 Vict. c. 120.

25. [*Exemptions from the Metropolitan Building Acts extended to this Act. Rep. 57 & 58 Vict. c. cexiii. s. 215.*]

Act not to
apply to the
Inner and
Middle
Temple, etc.

26. Nothing in this Act, . . . shall apply to the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn, Staple Inn, Furnival's Inn, or the close of the collegiate church of Saint Peter, Westminster. [*Words omitted ("or in any byelaw of the Board thereunder") rep. 57 & 58 Vict. c. cexiii. s. 215.*]

27. [*Saving the rights of the Crown and of the Duchy of Lancaster.*]

CHAPTER 37.

AN ACT TO FURTHER AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS ; AND FOR OTHER PURPOSES RELATING THERETO. [8th August 1878.]

[*Preamble.*]

Short title,

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1878 ; and the Metropolitan Board of Works (Money) Acts, 1875 to 1877, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1878.

Construction
of Act.
32 & 33 Vict.
c. 102.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1877.

33 & 34 Vict.
c. 24.
34 & 35 Vict.
c. 47.

3. [*Amendment of s. 13 of 40 & 41 Vict. c. 52. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

38 & 39 Vict.
c. 65.
39 & 40 Vict.
c. 55.

4. [*Power to the Board to expend under 18 & 19 Vict. c. 120, s. 144, and 25 & 26 Vict. c. 102, s. 22. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

40 & 41 Vict.
c. 52.

5. [*As to expenses for Fire Brigade purposes till 31st December 1879. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

Provision as to carrying from time to time to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section in 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 3.]

6—9. [*Expenses for the purposes of 40 & 41 Vict. c. cexxxv., 35 & 36 Vict. c. clxiii., 36 & 37 Vict. c. lxxxvi., 38 & 39 Vict. c. clxxix., and 41 & 42 Vict. c. cxlv. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

10. [*Power to the Board to lend to restraints and district boards till 31st December 1879. Rep. 46 & 47 Vict. c. 39 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding, as to loans for widening streets or bridges and purchase of land, 60 years, and for other purposes 30 years ; and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sums as the Treasury approve as being sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 4.]*

11. [*Power to the Board to lend to guardians till 31st December 1879. Rep. 46 & 47 Vict. c. 39 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years, and as to carrying to the Consolidated Loans Fund such sum as the*

Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.]

12. [*Power to the Board to lend to corporations, burial boards, etc., till 31st December 1879. Rep. 46 & 47 Vict. c. 39 (S.L.R.).—Provision for repayment within a time approved by the Treasury not exceeding, as to loans for widening streets or for bridges and purchase of lands, 60 years, and for other purposes 30 years; and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 6.]*

13. [*Extension of amount which the Board may lend to the Managers of the Metropolitan Asylum District. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]*

14—21. [*Power to the Board to raise money by "Metropolitan Bills" and provisions in reference thereto. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]*

22. [*Alteration of limitation of borrowing power in 32 & 33 Vict. c. 102, s. 38. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]*

23. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

Repayments
to go to
Consolidated
Loans Fund.

24. [*Extension of s. 3 of 32 & 33 Vict. c. 102. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]*

SCHEDULE. [*Particulars of new money powers conferred by this Act. Rep. 46 & 47 Vict. c. 39 (S.L.R.).]*

CHAPTER 71.

AN ACT TO EXTEND TO METROPOLITAN COMMONS CERTAIN PROVISIONS OF THE COMMONS ACT, 1876. [16th August 1878.]

[*Preamble rep. 57 & 58 Vict. c. 56 (S.L.R.).]*

1. This Act shall be cited as the Metropolitan Commons Act, 1878, and shall be read as forming one Act with the Metropolitan Commons Acts, 1866 and 1869.

Short title.
29 & 30 Vict.
c. 122.
32 & 33 Vict.
c. 107.

2. The Metropolitan Board of Works* shall, in respect of any common situate within the metropolis as defined by the Metropolitan Management Act, 1855, have the same power to purchase and hold, with a view to prevent the extinction of the rights of common, any saleable rights in common, or any tenement of a commoner having annexed thereto rights of common, as is conferred by the fifth paragraph of the eighth section of the Commons Act, 1876,† upon an urban sanitary authority in respect of a suburban common.

Power to
Metropolitan
Board to
acquire and
hold common
rights.
18 & 19 Vict.
c. 120.
39 & 40 Vict.
c. 56.

* Now the London County Council. See 51 & 52 Vict. c. 11, s. 40 (S).

† The fifth paragraph of s. 8 of the Commons Act 1876 is as follows:

"They (*i.e. an urban sanitary authority*) may also in the case of any such suburban common purchase and hold as aforesaid with a view to prevent the extinction of the rights of common, any saleable rights in common or any tenement of a commoner having annexed thereto rights of common."

Extension
of certain
provisions of
39 & 40 Vict.
c. 56. to
metropolitan
commons.
29 & 30 Vict.
c. 122.
32 & 33 Vict.
c. 107.

3. Sections thirty and thirty-one of the Commons Act, 1876,[†] shall, after the passing of this Act, apply to metropolitan commons within the meaning of the Metropolitan Commons Acts of 1866 and 1869.

CHAPTER CXII.

AN ACT TO CONFIRM CERTAIN PROVISIONAL ORDERS OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF CERTAIN UNHEALTHY AREAS WITHIN THE METROPOLIS. [4th July 1878.]

[Preamble.]

Orders in
schedule
confirmed.
Short title.

1. The Orders set out in the schedule herenunto annexed are hereby confirmed.

2. This Act may be cited as the Metropolis (Bowman's Buildings, Marylebone, and Essex Road, Islington,) Improvement Provisional Orders Confirmation Act, 1878.

[†] Ss. 30 and 31 of the Commons Act 1876 are as follows :

"30. A county court within whose jurisdiction any common or part of a common is situate shall have jurisdiction to hear any case relating to any illegal inclosure or encroachment of or upon such common or part of a common respectively made after the passing of this Act or to any nuisance impeding the exercise of any right of common arising after the passing of this Act, and to grant an injunction against such inclosure encroachment or nuisance, or to make an order for the removal or abatement of such inclosure encroachment or nuisance.

"Any person aggrieved by any injunction granted or order made or refusal to grant an injunction or make an order by a county court in pursuance of this section may, on giving security for costs to the satisfaction of the county court, appeal to the High Court of Justice in a summary manner, or by special case or otherwise, as may be prescribed by rules of court to be made by the Supreme Court of Judicature in manner provided by the seventeenth section of the Supreme Court of Judicature Act, 1875.

"The appellate court may on hearing the appeal reverse modify or confirm the injunction or order complained of, or remit the case to the county court from which the appeal lay, with instructions to deal with the case according to the directions given by the appellate court.

"Where an appeal is lodged against the order of a county court directing the removal or abatement of any inclosure encroachment or nuisance, such order shall be suspended during such time as such appeal is pending.

"Nothing in this Act contained shall abridge or interfere with any existing right of abating or otherwise preventing any illegal inclosure of or encroachment on any common or any nuisance interfering with any right of common.

"Until rules of court are made for the purposes of this section, an appeal may be had from the decision of any county court under this section in the same manner in which an appeal from the decision of a county court may be had in a case within its ordinary jurisdiction.

"31. Any person intending to inclose or approve a common or part of a common otherwise than under the provisions of this Act shall give notice to all persons claiming any legal right in such common or part of a common, by publishing, at least three months beforehand, a statement of his intention to make such inclosure, for three successive times, and in two or more of the principal local newspapers in the county, town or district in which the common or part of a common proposed to be inclosed is situate; but the provisions of this section shall not apply to any commons or waste lands whereon the rights of common are vested solely in the lord of the manor.

"A production of a newspaper containing such advertisement as aforesaid shall be evidence of the same having been issued, and the inclosure shall, until the contrary is proved, be deemed to have taken place at the time specified in such advertisement."

SCHEDULE.

METROPOLIS (BOWMAN'S BUILDINGS, MARYLEBONE) IMPROVEMENT.

[*Provisional Order of the Home Secretary dated 3rd April 1878, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Act 1875, for the improvement of an unhealthy area situated in the parish of Saint Marylebone. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 806, and provides for the clearing of the lands constituting the improvement area and for the erection thereon of dwellings to accommodate 950 persons of the working class. The Order further requires the widening of Linton Place to 30 feet to the east of premises in Edgware Road, and its continuation at the same width into Maaning Street, and the formation of a new street, 30 feet wide, from Bell Street to Linton Place. Spent.*]

THE METROPOLIS (ESSEX ROAD, ISLINGTON) IMPROVEMENT.

[*Provisional Order of the Home Secretary dated 3rd April 1878, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Act 1875, for the improvement of an unhealthy area situated in the parish of Saint Mary, Islington. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 1,796, and provides for the clearing of the lands constituting the improvement area and for the erection thereon of dwellings to accommodate 3,435 persons of the working class. The Order also requires the widening of Popham Street to 30 feet; Paradise Place to 30 feet; and Popham Road, otherwise Frog Lane, to 30 feet between Popham Street and Elder Walk; and the formation of a new street, 30 feet wide, in continuation to Essex Road; and a new street, 30 feet wide, to be formed in the line of Anglers Gardens. Spent.*]

CHAPTER CXLV.

* AN ACT FOR EFFECTING A TRANSFER TO THE METROPOLITAN BOARD OF WORKS OF THE OPEN SPACES KNOWN AS PLUMSTEAD COMMON AND SHOULDER-OF-MUTTON GREEN, AND FOR ENABLING THEM TO PRESERVE, IMPROVE, AND REGULATE THE SAME, AND TO ERECT A LODGE UPON BLACKHEATH. [4th July 1878.]

[*Preamble recites (inter alia) that there are in the county of Kent † two open spaces known as Plumstead Common (in this Act referred to as the Common) and Shoulder-of-Mutton Green (in this Act referred to as the Green), situate within the manor of Plumstead, of which manor the provost and scholars of Queen's College, Oxford (in this Act called the College) are or claim to be lords, and that there is another open space in the parish of Plumstead known as Bastall Heath (in this Act referred to as the Heath), formerly part of the said manor; that the Heath has been placed under the authority of the Metropolitan Board of Works ‡ (in this Act called the Board), who have purchased or are about to purchase the same, and that it is expedient that the Common and the Green should also be placed under such authority; and also recites an indenture of lease dated the 19th day of July 1873 made between the College of the one part and the Secretary of State for the War Department of the other part, whereby certain parts of the Common were agreed to be leased to the Secretary for War as therein mentioned; and also recites that plans shewing the Common and the Green have been deposited with the Clerk of the Peace for Kent.*]

* As to Plumstead Common, see also 47 & 48 Viet. c. cccxiii. s. 13; 48 & 49 Viet. c. clxvii. ss. 51—54; and 54 & 55 Viet. c. cxi. s. 50.

† Now the county of London. See 51 & 52 Viet. c. 11, s. 40 (2).

‡ Now the London County Council. See 51 & 52 Viet. c. 11, s. 40 (8).

Short title.

1. This Act may be cited as the Plumstead Common Act, 1878.

Incorporation
of general
Acts.

8 & 9 Vict. c. 18,
23 & 24 Vict. c. 106,
32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are, so far as the provisions thereof are applicable, incorporated with and form part of this Act.

3. [*Power to the Board to purchase the Common and the Green, and as to conveyance of the same to the Board. Spent.*]

As to portion
of Common
to be used by
military.

4. From and after the completion of the said conveyance that part of the Common which is coloured blue on the map or plan thereof which is signed in duplicate by Her Majesty's principal Secretary of State for the War Department, and by the Chairman of the Metropolitan Board of Works, and to be hereafter held by their respective officers, or such other part of the said Common as may at any time hereafter, either in substitution or in addition to such blue part, be mutually agreed upon by the said principal Secretary and Chairman to be set aside for such purpose, shall for ever be kept open as a parade, camping, training, or exercising ground, to be used by all branches of Her Majesty's regular, auxiliary, and reserve forces, when and as often as need or occasion shall require; and the said principal Secretary and his successors shall at all times restore and make good the surface of the part coloured blue, or such substituted or additional part, so that the same may, as heretofore, be kept in and restored to good order and condition as a parade, camping, training, or exercising ground for Her Majesty's forces as aforesaid, and for such liberty or easement over the part coloured blue as is herein-before reserved or granted to the said principal Secretary he shall pay as purchase money to the said Metropolitan Board of Works the sum of four thousand pounds.

Common to
be under
management
of Board.

5. Subject as aforesaid, and so as not in any way to interrupt or interfere with the free use and enjoyment of the liberty or easement herein-before mentioned, the Common and Green, as the same are delineated in the deposited plans, shall be regulated and managed by the Board as a place of recreation for the public.

Vesting of
indenture of
lease in
Board.

6. The herein-before recited indenture of lease dated the 19th day of July 1873 shall be assigned to and vested in the Board so that the term may be merged and vested in the said Board.

7. [*Power to appoint and regulate officers for the purposes of the Act. Superseded by the Municipal Corporations Act 1882, ss. 19 and 20 (see Appendix), and 51 & 52 Vict. c. 41, s. 75. See also 18 & 19 Vict. c. 120, s. 202.*]

Powers of
Board as to
improvement
of Common
and Green.

8. The Board may (subject to the approval and consent of the said principal Secretary as to the part coloured blue) execute any works of drainage and improvement of the Common and Green, so far only as may be required for the purposes of the Metropolitan Commons Acts, and shall preserve the turf and grass of the uncoloured portions, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and shall also preserve the trees, and so much of the gorse as they may deem desirable, and may plant or otherwise beautify the Common and Green, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the Common and Green.

Common and
Green to be
preserved
from en-
croachment.

9. The Board shall maintain the Common and Green as delineated in the deposited plans free of all encroachment, and shall permit no trespass on or partial or other inclosure of any part thereof, and no fences, posts, rails, or other matters or things shall

be maintained, fixed, or erected thereon without the consent in writing of the Board.

10—12. [*As to byelaws. Superseded 53 & 54 Vict. c. cexliii. ss. 14--21, and 61 & 62 Vict. c. cexxi. s. 61.*]

13. It shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature, in, into, or under any part or parts of the Common or Green. Sewers, etc. not to be constructed without consent of Board.

14. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the Common or Green for grazing any cattle, sheep, or other animal. Restrictions as to grazing cattle, etc.

15. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Common and Green respectively under the care of the Board, or shall prevent the respective local authorities by their officers and servants taking such portions of the Common and Green respectively as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make, but it shall not be lawful to make or form any new roads over and across the Common and Green, or either of them, without the consent in writing of the Board. Public roads, etc. not to be under care of Board.

16. Subject to the provisions of this Act and the provisions incorporated with this Act, the Board may from time to time, after such conveyance of the estate and interest of the College in the Common and Green as aforesaid, purchase by agreement or otherwise all such rights of common, commonable rights, rights of way, and other rights, estates, interests, and privileges in, over, or affecting the Common and Green respectively as they think it requisite to acquire for the better execution of this Act, and for that purpose every such right, estate, interest, or privilege shall be deemed lands. Power to purchase commonable rights, etc.

17. When the Board have purchased under this Act any right of common, commonable right, right of way, or other right, estate, interest, or privilege in, over, or affecting the Common and Green respectively, they may, as they think most expedient, with a view to securing the free use of the Common and Green by the public for purposes of exercise and recreation and the better execution of this Act, either extinguish the same, or retain, hold, and exercise the same, wholly or partially. Power to extinguish rights, etc. when purchased.

18. The Board, in any case, if they think fit, instead of purchasing wholly any right of common, commonable right, right of way, or other right, interest, or privilege in, over, or affecting the Common or Green, may by agreement purchase the same partially, or purchase a right to impose limitations or restrictions on the same, and otherwise to regulate the exercise and enjoyment thereof, and may from time to time exercise all such powers as are conferred on them by any such agreement. Power to limit rights of common by agreement.

19. No estate, interest, or right of a profitable or beneficial nature in, over, or affecting the Common or Green respectively shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by virtue of this Act without compensation being made or provided for the same; and such compensation shall, in case of difference, be ascertained and provided in the same manner as if the same compensation were for the compulsory Provision for compensation.

purchase and taking or the injurious affecting of lands under the provisions of the before-mentioned Lands Clauses Consolidation Acts.

As to acquisition or surrender of rights of War Office.

20. The provisions in this Act contained for the acquisition by the Board of rights affecting the Common shall extend to the acquisition by them of, and the granting or surrendering by Her Majesty's principal Secretary of State for the War Department, and his successors, from time to time, of all or any part or parts of the rights which Her Majesty's said principal Secretary or his successors may claim to have for the time being in, over, or affecting the Common, or any part or parts thereof.

Conveyance of Common and Green not to be subject to 9 G. 2. c. 36.

21. Where any estate, interest, or right in, over, or affecting the Common or Green is by deed conveyed for the purposes of this Act, the provisions of the Act of the 9th year of the reign of King George II. (cap. 36) "to restrain the disposition of lands whereby the same become inalienable," shall not apply to the conveyance.

Board may erect lodge on Blackheath.

22. The Board may erect and maintain, upon such part of Blackheath as may be agreed upon between them and the lord of the manor, or as, in case of difference, shall be settled by the before-mentioned Secretary of State for the Home Department, a suitable lodge for the accommodation of any officer appointed by them to preserve order upon the Heath, and for its protection. [*See also* 50 & 51 Vict. c. cvi. s. 50, and 58 & 59 Vict. c. cxxvii. s. 45.]

23. [*Expenses of obtaining and executing Act. Spent in part. Remr. superseded* 51 & 52 Vict. c. 41, part iv., and the London County Council (Money) Acts 1879—1904.]

42 & 43 VICTORIA. A.D. 1879.

CHAPTER 18.

AN ACT FOR THE LICENSING OF METROPOLITAN SUBURBAN RACE-COURSES. [3rd July 1879.]

[*Preamble rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

Definitions.

1. A horse-race within the meaning of this Act shall mean any race in which any horse, mare, or gelding shall run or be made to run in competition with any other horse, mare, or gelding, or against time, for any prize of what nature or kind soever, or for any bet or wager made or to be made in respect of any such horse, mare, or gelding, or the riders thereof, and at which more than twenty persons shall be present.

Horse-races unlawful within ten miles of London unless licensed.

2. . . . It shall not be lawful that any horse-race be held or take place on any pretext whatsoever within a radius of ten miles from Charing Cross in the city of Westminster, unless in a place for which a license for horse-racing has been obtained pursuant to the provisions herein-after contained. [*Words omitted ("From and after the 25th day of March, 1880") rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

Power to Justices to license at Michaelmas quarter sessions.

3. Any person desirous of obtaining a license for horse-racing for any open or enclosed land or place, being the owner, lessee, or occupier of such land or place, may apply to the Justices assembled at any Michaelmas Quarter Sessions of the Peace to be holden for the county,* city, riding, liberty, or division in which such land or

* As regards the county of London, now the London County Council, see 51 & 52 Vict. c. 41, s. 3.

place is situate, which Justices are hereby empowered to grant or withhold a license at their discretion, such license to be of force and valid for twelve months dating from the twenty-fifth day of March next following the date of such application.

4. Every such application shall be made to the Justices in the same manner as applications for licenses for places to be kept for public dancing, music, or other entertainment under the provisions of an Act passed in the twenty-fifth year of His late Majesty King George the Second. *[Note to s. 3 applies.]* Mode of making application for license.

5. Any person who . . . shall take part in any horse-race in any open or enclosed land or place for which a license is required under this Act, and for which a license has not been obtained, shall upon summary conviction be liable to a penalty of ten pounds, or an imprisonment not exceeding two months. *[Words omitted ("after the said 25th day of March 1880") rep. 57 & 58 Vict. c. 56 (S.L.R.).]* Penalty on persons taking part in unlicensed horse-races.

6. Any person who shall be the owner or lessee or in possession or occupation of any open or enclosed land or place for which a license for horse-racing is required under this Act, and upon which any horse-race shall be held . . . without such license having been obtained, shall be guilty of a misdemeanor, and on conviction thereof shall be punishable for every such offence with fine or imprisonment at the discretion of the Court, such fine not to be less than five pounds nor more than twenty-five pounds, and such imprisonment not to be less than one month nor more than three months. *[Note to s. 5 applies.]* Penalty on owners and occupiers of ground where unlicensed horse-races take place.

7. Every horse-race held or taking place in contravention of the provisions of this Act shall be deemed to be a nuisance, and any person injured or inconvenienced thereby shall have all such rights and remedies against all persons taking part in the same, and against owners, lessees, and occupiers of the land or place, as he would have in case of a nuisance at common law. Unlicensed horse-races to be deemed a nuisance, and liable accordingly.

8. This Act may be cited as the Racecourses Licensing Act, 1879. short title.

CHAPTER 69.

AN ACT FOR FURTHER AMENDING THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES RELATING THERETO.

[15th August 1879.]

[Preamble rep. 61 & 62 Vict. c. 22 (S.L.R.).]

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1879; and the Metropolitan Board of Works (Money) Acts, 1875 to 1878, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1879. Short title.
38 & 39 Vict.
c. 65.
41 & 42 Vict.
c. 37.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1878. Construction of Act.
32 & 33 Vict. c. 102.
33 & 34 Vict. c. 21.
34 & 35 Vict. c. 47.
38 & 39 Vict. c. 65.
39 & 40 Vict. c. 55.
40 & 41 Vict. c. 52.
41 & 42 Vict. c. 37.

3—7. *[Amendment of ss. 5 and 9 of 41 & 42 Vict. c. 37—Power to the Board to expend money for the purposes of 40 & 41 Vict. c. cci.; for improvements in connection with the obelisk on the Victoria Embankment; and under 18 & 19 Vict. c. 120, s. 144, and 25 & 26 Vict. c. 102, s. 72. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]*

8. [As to expenses for Fire Brigade purposes until 31st December 1880. *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.—Provision as to carrying from time to time to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section in 30 years. Identical with such provision in 38 & 39 *Vict. c. 65, s. 3.*]

9—11. [Power to the Board to expend money for the purposes of 35 & 36 *Vict. c. clxiii.*; 36 & 37 *Vict. c. lxxxvi.*; 38 & 39 *Vict. c. clxxix.*; 40 & 41 *Vict. cc. ccl. and ccxxxv.*; and 41 & 42 *Vict. c. cxlv.* *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.]

12. [Power to the Board to lend to vestries and district boards until 31st December 1880. *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.—Provision for repayment within a time to be approved by the Treasury not exceeding, as to loans for widening streets or for bridges and purchase of lands, 60 years, and for other purposes 30 years: and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 *Vict. c. 65, s. 4.*]

13. [Power to the Board to lend to the vestry of St. Pancras for the purposes of the St. Pancras Loans Act 1879. *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.]

14. [Power to the Board to lend to guardians till 31st December 1880. *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years, and as to carrying to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 *Vict. c. 65, s. 5.*]

15. [Power to the Board to lend to corporations, burial boards, etc., till 31st December 1880. *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.—Provision for repayment within a time to be approved by the Treasury not exceeding, as to loans for widening streets or for bridges and purchase of lands, 60 years, and for other purposes 30 years: and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 *Vict. c. 65, s. 6.*]

16—26. [Extension of the amount which the Board may lend to the Managers of the Metropolitan Asylum District—As to “Metropolitan Bills.” *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.]

Repayments
to be carried
to Consoli-
dated Loans
Fund.

27. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

28. [Extension of s. 3 of 32 & 33 *Vict. c. 102.* *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.]

SCHEDULE. [Particulars of new money powers conferred by this Act. *Rep.* 61 & 62 *Vict. c. 22 (S.L.R.)*.]

CHAPTER 73.

AN ACT TO AUTHORISE THE COMMISSIONERS OF . . . WOODS . . .
TO AGREE WITH THE CONSERVATORS OF THE RIVER THAMES
ON THE PAYMENTS FOR PIERS OR LANDING-PLACES IN OR UPON
THE BED OR SHORE OF THE RIVER THAMES.

[15th August 1879.]

[Words omitted in title ("Her Majesty's" and "and Forests and
Land Revenues"), and preamble (reciting the Thames Conservancy
Act, 1857 *) *rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

1. This Act may be cited as the Commissioners of Woods (Thames Short title.
Piers) Act, 1879.

2. The Commissioners, or one of them, acting with the consent of the . . . Treasury, and the Conservators may from time to time make, and when made revoke and vary agreements respecting the annual payments to be made from time to time . . . by the Conservators to the Commissioners, or which heretofore should have been so made in respect of all or any of the piers or landing-places in or upon any portions of the bed or shores of the River Thames erected or acquired by the Conservators either before or after the passing of this Act, and under the management of the Conservators.

All sums paid to the Commissioners in pursuance of any such agreement shall be applied (in like manner as sums received by the Commissioners from the Conservators under the Thames Conservancy Act, 1857,*) as part of the hereditary possessions and land revenues of the Crown. [See also 4 Edw. 7, c. cciii. s. 49. Words omitted ("Commissioners of Her Majesty's" and "hereafter") *rep.* 57 & 58 Vict. c. 56 (S.L.R.).] 20 & 21 Vict. c. cxlvii.

3. [Ss. 103 and 104 of the Thames Conservancy Act 1857 * not to apply to any rents or revenues received by the Conservators in respect of piers or landing-places which are the subject of agreement under this Act. *Spent.*]

4. Nothing in this Act contained shall be held to authorise the Conservators to erect, acquire, or retain any piers or landing-places which they were not authorised to erect, acquire, or retain before the passing of this Act. Limitation of Act.

CHAPTER LXXIX.

AN ACT TO CONFIRM CERTAIN PROVISIONAL ORDERS OF ONE OF
HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE
IMPROVEMENT OF CERTAIN UNHEALTHY AREAS WITHIN THE
METROPOLIS.

[3rd July 1879.]

[Preamble.]

1. The Orders set out in the schedule hereunto annexed are hereby confirmed. Orders in schedule confirmed.

2. This Act may be cited as the Metropolis (Little Coram Street, Bloomsbury, Wells Street, Poplar, and Great Peter Street, Westminster.) Improvement Provisional Orders Confirmation Act, 1879. Short title.

* Rep. and replaced by 57 & 58 Vict. c. clxxxvii. ; see *ibid.* s. 239 (see Appendix).

SCHEDULE.

METROPOLIS (LITTLE CORAM STREET, ST. GILES DISTRICT AND ST. PANCRA8,) IMPROVEMENT.

[Provisional Order of the Home Secretary dated 4th April 1879, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Act 1875, for the improvement of an unhealthy area situated in the parish of St. George, Bloomsbury. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 858, and provides for the clearing of the improvement area and for the erection thereon of dwellings to accommodate 858 persons belonging to the working class. The Order also requires the widening of Little Coram Street at each end, so as not to be of less width than 30 feet or thereabouts in any part of its length. Spent.]

METROPOLIS (WELLS STREET, POPLAR,) IMPROVEMENT.

[Provisional Order of the Home Secretary dated 1st April 1879, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Act 1875, for the improvement of an unhealthy area situated in the parish of All Saints, Poplar. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 1,029, and provides for the clearing of the lands constituting the improvement area and for the erection thereon of dwellings to accommodate 1,030 persons of the working class. The Order also requires the widening of Wells Street to 30 feet; Robin Hood Lane to a minimum width of 40 feet between Wells Street and White Hart Place; and the formation of a new street 40 feet wide from Cotton Street to Robin Hood Lane; and a new street 30 feet wide from the last-named new street into White Hart Place. Spent.]

THE METROPOLIS (GREAT PETER STREET, WESTMINSTER,) IMPROVEMENT.

[Provisional Order of the Home Secretary dated 1st April 1879, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Act 1875, for the improvement of an unhealthy area situated in the parish of Saint John the Evangelist, Westminster. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 179, and provides for the clearing of the lands constituting the improvement area and for the erection thereon of dwellings to accommodate 180 persons of the working class. The Order also requires the widening of Saint Matthew's Street, at its junction with Great Peter Street, to the extent of 20 feet, provided that the District Board of Westminster are willing to bear the whole cost of such widening, except the cost of the acquisition of so much land as is necessary for the purpose. Spent.]

CHAPTER LXXX.

AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER
MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE MODI-
FICATION OF A SCHEME CONFIRMED BY THE METROPOLIS
(WHITECHAPEL AND LIMEHOUSE) IMPROVEMENT SCHEME CON-
FIRMATION ACT, 1876. [3d July 1879.]

[Preamble.]

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

2. This Act may be cited as the Metropolis (Whitechapel and Limehouse) Improvement Scheme Modification Act, 1879.

SCHEDULE

METROPOLIS (WHITECHAPEL AND LIMEHOUSE) IMPROVEMENT SCHEME CONFIRMATION ACT, 1876.

[Provisional Order of the Home Secretary dated May, 1879, permitting the Metropolitan Board of Works to modify the Scheme authorized by 39 & 40 Vict. c. cc. by purchasing by agreement the piece of land on the west side of Cartwright Street, coloured purple on the plan annexed to the Order, and providing that such piece of land shall be added to the improvement area to which such Scheme relates, and be appropriated to the widening of Cartwright Street. Spent.]

CHAPTER CLX.

*AN ACT TO PROVIDE FOR THE USER AND REGULATION OF CERTAIN LANDS AT WORMWOOD SCRUBS. [21st July 1879.]

[*Preamble recites that with a view to create a metropolitan exercising ground in pursuance of the Military Forces Localization Act 1872, one of Her Majesty's principal Secretaries of State (in this Act referred to as the Secretary of State for War), on behalf of Her Majesty, has purchased, at the expense of the Consolidated Fund, the soil in the common known as Wormwood Scrubs, in the manor of Fulham in the county of Middlesex,† containing 135 acres or thereabouts, subject to certain rights of common over the same, and also certain inclosed lands adjoining the said common, containing respectively 53 acres and 5 acres or thereabouts, free from incumbrances and common and other rights, and the same are now vested in the Secretary of State for War on behalf of Her Majesty; and that plans showing the said common coloured light red, and the said inclosed lands coloured dark red and purple respectively, have been deposited at the War Office and at the office of the Metropolitan Board of Works; and that the Secretary of State for War has proposed to the Metropolitan Board of Works that the said common and inclosed lands, amounting to 193 acres or thereabouts, should be vested in the Metropolitan Board of Works on trust to enable the same to be used for such military purposes as the Secretary of State for War from time to time directs, and subject thereto, upon trust for the perpetual use thereof by the inhabitants of the metropolis for exercise and recreation, and that the said Board should maintain the same and should undertake the compensation of all rights injured by the trusts and purposes aforesaid, and that the Metropolitan Board of Works have consented to such proposal.*]

1. This Act may be cited as the Wormwood Scrubs Act, 1879. Short title.

2. The common known as Wormwood Scrubs, in the manor of Fulham in the county of Middlesex,† and containing one hundred and thirty-five acres or thereabouts, and the lands adjoining thereto and containing fifty-three acres and five acres or thereabouts, which common and lands (in this Act referred to as the Scrubs) are shown in plans deposited at the War Office and the office of the Metropolitan Board of Works, and are therein coloured respectively light red, dark red, and purple, shall upon the passing of this Act vest in the Metropolitan Board of Works and their successors, in fee simple in possession upon the trusts declared by this Act, free from all incumbrances. Vesting of Wormwood Scrubs and of adjoining land in Metropolitan Board of Works.

3. The Metropolitan Board of Works shall hold the Scrubs upon trust to enable the same (except the portion or portions excepted as herein-after mentioned) to be used for such military purposes, whether camps, reviews, drills, training, exercising, firing, rifle ranges, or other whatsoever, as the Secretary of State for War from time to time directs, and subject as aforesaid, shall hold the Scrubs upon trust for the perpetual use thereof by the inhabitants of the metropolis for exercise and recreation. Use of the Scrubs for military purposes, and for exercise and recreation.

* The property, powers, duties, and liabilities of the Metropolitan Board of Works under this Act were transferred to the London County Council by 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 11, s. 40 (2).

Provided that—

- (1.) No permanent building or erection, except rifle butts, and all necessary appurtenances, shall be constructed on the Scrubs without the consent of the Metropolitan Board of Works and of the Secretary of State for War ; and
- (2.) No portion of the Scrubs shall, without the consent of the Metropolitan Board of Works, be used for military purposes or as a rifle range on any day declared to be a holiday either by the Holidays Extension Act, 1875, or by any other Act of Parliament, or by Her Majesty.

38 & 39 Vict.
c. 13.

Subject and without prejudice to the continuance and use thereon of the firing points to the rifle butts there shall be excepted from the said use for military purposes the portion of the Scrubs marked with hatching on the plans thereof deposited as above mentioned, or such portion or portions differing wholly or partly from the portion so marked, as the Secretary of State for War and the Metropolitan Board of Works from time to time agree upon; such portion of the Scrubs as is not for the time being excepted from use for military purposes as above mentioned is in this Act referred to as the military portion of the Scrubs.

Laying out
and planting
of the Scrubs.

4. The Metropolitan Board of Works may lay out, drain, level, plant, and improve the Scrubs, in such manner as may be from time to time agreed upon with the Secretary of State for War, as being most expedient for the execution of this Act, but if they shall not agree as to such laying out, draining, levelling, planting, and improvement, it shall be referred from time to time, or as often as necessary, to two arbitrators (one to be chosen by the Secretary of State for War, and the other by the Metropolitan Board of Works), with power to them to appoint an umpire in the usual way, to settle such difference ; and the Metropolitan Board of Works shall maintain the Scrubs and the inclosure thereof in such condition as may make the Scrubs most suitable for the trusts and purposes declared by this Act respecting the same.

Regulation
of Scrubs for
military
purposes.

5. When the military portion of the Scrubs, or any part of such military portion, is required by the Secretary of State for War to be used for any military purpose, the following provisions shall have effect with respect to the said military portion or part :

- (1.) The Secretary of State for War and any of Her Majesty's forces, or other persons acting under the authority of the Secretary of State for War, may use the same for the said military purpose, to the exclusion of all persons whomsoever at such time or times and during such period as the Secretary of State for War directs :
- (2.) A person shall not without authority from the Secretary of State for War, or some person acting under his authority, enter the same or any part thereof ; and if he enters or attempts to enter the same shall be liable to a fine not exceeding forty shillings :
- (3.) Any person who obstructs or interferes with the use of the same for any military purpose, or without due authority removes any flag or mark therein, shall be liable to a fine not exceeding five pounds :
- (4.) A person committing an act for which he is liable to a fine under this section may be removed by any constable by force from the Scrubs or any part thereof, and may be taken into custody by any constable without warrant :

(5.) The Metropolitan Board of Works shall, so far as is reasonably practicable, cause notice to be given of the portion of the Scrubs for the time being required to be kept clear, and of the time or times at which and the period during which it is to be so kept clear, but the absence of such notice shall not exempt a person from any fine or liability under this section, nor interfere with the right of the Secretary of State for War, or of Her Majesty's forces, or persons acting under his authority, or of the Metropolitan Board of Works, to use the Scrubs and exercise the powers conferred by this Act.

6. Whereas by the Metropolitan Board of Works Act, 1877, the Metropolitan Board of Works has power to make byelaws as regards the parks and other open spaces therein mentioned for the purposes particularly mentioned in the said Act, and enactments are made with respect to the enforcement of such byelaws, and it is expedient to extend the said Act to the Scrubs: Be it therefore enacted as follows:

Power of Board to make byelaws as to the Scrubs. 10 & 11 Vict. c. viii.

The Metropolitan Board of Works shall have the same power of making byelaws as regards the Scrubs as they have under the Metropolitan Board of Works Act, 1877, as regards the parks and other open spaces therein mentioned, and sections two to eleven, both inclusive, of the said Act shall be construed as if they were herein re-enacted, and in terms made applicable to the Scrubs, with this addition, that byelaws under the said sections may be made (in addition to the purposes therein mentioned) for keeping clear the military portion of the Scrubs, or such part of that military portion as is for the time being required to be used for a military purpose, and for facilitating and regulating the use for a military purpose of the said portion of the Scrubs: provided that such byelaws shall not apply to any member of Her Majesty's forces or persons acting under the authority of the Secretary of State for War, except so far as they are expressed so to apply and are assented to in writing by the Secretary of State for War. [*See notes on sections incorporated, and 53 & 54 Vict. c. cexliiii. ss. 14—21 and 61 & 62 Vict. c. cexxi. s. 61.*]

7. [*Expenses of executing Act. Superseded by 51 & 52 Vict. c. 41, part iv.*]

8. If at any time the Scrubs, or any part thereof, ceases, except with the consent of the Secretary of State for War, to be used for exercise and recreation by the inhabitants of the metropolis, or if the Metropolitan Board of Works or their successors fail to comply with the provisions of this Act with respect to the use of the Scrubs for military purposes, the Scrubs shall vest in the Secretary of State for War on behalf of Her Majesty in fee simple, free from incumbrances, and free from all right, interest, and claim whatsoever of the Metropolitan Board of Works, their successors or assigns, or of any other person or persons whomsoever, and the Secretary of State for War may re-enter and take possession of the Scrubs accordingly, but he shall pay to the Metropolitan Board of Works such sum in respect of their outlay on the Scrubs or otherwise as may be just.

Reverter of the Scrubs to Secretary of State for War.

9. [*As to compensation for estates, interests, and rights over Wormwood Scrubs taken away or injuriously affected by or under this Act. Spent.*]

CHAPTER CXCVIII.

AN ACT TO AMEND THE METROPOLIS MANAGEMENT ACT, 1855, AND
 THE ACTS AMENDING THE SAME, SO FAR AS RELATES TO THE
 PROTECTION OF THE METROPOLIS FROM FLOODS AND INUNDA-
 TIONS CAUSED BY THE OVERFLOW OF THE RIVER THAMES ;
 AND FOR OTHER PURPOSES. [11th August 1879.]

[Preamble recites that, notwithstanding the provisions of the Metropolis Management Act, 1855, and the Acts amending the same, with respect to the protection of lands from floods and inundations, the River Thames in times of high tides, floods, and excessive rains, by reason of the low level of various places, overflows its banks, causing inconvenience to persons and injury to health and property, and it is therefore expedient that the said provisions should be amended, and that provisions such as are in this Act contained should be made for providing for the due execution and maintenance of the works necessary to prevent the overflowing of the said River Thames within the limits by this Act prescribed, and for empowering the Metropolitan Board of Works to enforce such provisions and to provide for the expenses incurred in relation thereto.]

Preliminary.

Short title.

1. This Act may for all purposes be cited as the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.

Interpreta-
tion of terms.

2. In the construction of this Act the following words and expressions have the following meanings, unless excluded by the subject or context ; (that is to say,)

19 & 20 Vict.
c. 112.
25 & 26 Vict.
c. 102.

The expression "the principal Act" means the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1856, and the Metropolis Management Amendment Act, 1862 :

The expression "the Secretary of State" means one of Her Majesty's principal Secretaries of State :

The expression "the Board" means the Metropolitan Board of Works * :

The expression "person" includes any corporation, whether aggregate or sole :

The expression "River Thames" includes the rivers, streams, and watercourses within the flow and re-flow of the tides of the said river within the limits of this Act :

The expression "bank" and the expression "dam" includes any bank, wall, fence, wharf, dock, lock, gate, sluice, dam, or defence, or appliance, whether of a moveable, temporary, fixed, or permanent character, for the protection of lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames :

The expression "flood works" means the entire or partial construction, alteration, reconstruction in the same or any altered position of any bank, and the repairing, raising, strengthening, improvement, or removal of any bank, and the enlargement, contraction, raising, lowering, arching over, improvement, or alteration of any sewer, channel, or watercourse, and the

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8)

discontinuance, closing up, or destruction of any such sewer, channel, or watercourse necessary for the protection of lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames :

The expression " lands " includes messuages, buildings, erections, banks, lands, tenements, and hereditaments of any tenure, and rights and easements in, over, under, or in respect of the same :

The expression " street," in addition to the meaning assigned to the same term by the principal Act, includes the carriageway of any turnpike road and any county bridge and any place laid out as a street :

The expression " premises " includes lands and streets :

The expression " owner " means (except where otherwise expressly provided) the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent, and includes any commissioners, trustees, or other persons or person in whom the premises in connexion with which the said word is used are vested, or who are charged with the control or management of the same.

3. The limits of this Act shall extend to the metropolis as defined Limits of Act.
by the principal Act.

4. The principal Act, as amended by this Act, and this Act shall Construction of Acts.
be read and construed together as one Act.

Execution of Works.

5. From and after the passing of this Act the execution of all flood works shall be subject to and in accordance with such plans as the Board may from time to time cause to be prepared in pursuance of this Act, or with such plans or specification as the Board may from time to time approve, and such works shall be carried on and completed to the satisfaction of the Board, and save as aforesaid no such works shall be commenced, carried on, or completed. Flood works not to be executed except in accordance with plans.

6. Subject to the provisions and limitations in this Act contained, the following bodies and persons shall be liable to provide for the execution of all flood works which may from time to time in the opinion of the Board be necessary for the protection of premises within the limits of this Act from floods or inundations caused by the overflow of the River Thames ; (that is to say,) Bodies and persons liable to provide for execution of flood works.

In respect of all such works to be executed upon any premises vested in or subject to the control and management of the Commissioners of Sewers of the City of London,* the vestry of any parish mentioned in Schedule A. to the principal Act† or the board of works of any district mentioned in Schedule B to the principal Act,‡ such Commissioners, vestry, or board of works :

In respect of all other such works the owners of the premises upon which the same are to be executed :

Where any such works are to be executed through, along, over,

* See the City of London Sewers Act 1897.

† Now the Metropolitan Borough Council. See 62 & 63 Vict. c. 41, s. 1.

or under any part of the bed or soil of the River Thames immediately connected with any premises, such works shall be deemed to be works to be executed upon such premises.

Board to
make plan of
necessary
flood works,
and serve
notice of the
making there-
of upon Com-
missioners of
Sewers of the
City of Lon-
don, vestries,
district
boards, and
owners
affected
thereby.

7. The Board, as soon as may be after the passing of this Act, shall cause a plan to be prepared showing the line and level of the flood works which are in their opinion immediately necessary for effectually protecting all premises within the limits of this Act which in their judgment require protection from floods or inundations caused by the overflow of the River Thames; and when such plan has been prepared the Board shall cause notice of the preparation thereof to be served upon the Commissioners of Sewers of the City of London and upon the vestry of every parish and the board of works for every district in which any of the works shown on such plan are proposed to be executed, and upon every owner of premises liable to provide for the execution of any of the same, and shall together therewith cause two copies of such part of such plan as relates to any of such works in respect of the execution of which such Commissioners, vestry, board of works, and owner are or is liable respectively to provide to be transmitted to them or him respectively, together with such sections, estimates, and other information relating to such copies as aforesaid as they may think proper; and the Board shall by such notice require such Commissioners, vestry, district board, or owner to inform the Board within twenty-eight days after the receipt of the same whether they or he intend or intends to execute to the satisfaction of the Board the works shown on the copies of such parts of such plan respectively, and for the execution of which such Commissioners, vestry, district board, or owner are or is respectively liable to provide, or whether they or he object or objects to execute such works, and the reasons for such objection.

If the Commissioners of Sewers of the City of London, the vestry of any parish, board of works for any district, or any owner or owners give notice to the Board of their or his objection to execute any flood works in manner aforesaid, and of the reasons for such objection, the Board shall, during the twenty-eight days next after the receipt thereof, consider such objection and reasons, and shall as soon as may be after the expiration of such last-mentioned period of twenty-eight days make such order in relation thereto as the Board may think just, and may by such order make any modification or alteration in such flood works, and shall transmit a copy of such order to the body or person making such objection.

In case the Board by any such order make any modification or alteration in the flood works so objected to as aforesaid, they shall amend the plan prepared in manner aforesaid so as to show thereon such modification or alteration, and in such case they shall transmit to the body or person by whom such objection was made two copies of the part of such plan so amended, together with such order.

The Board shall cause a copy of such plan showing all amendments made therein to be kept at their office, and the Commissioners of Sewers, the vestry of every parish, and the board of works of every district to which copies of any part of such plan or of any amendments therein have been transmitted as aforesaid shall cause one of such copies to be kept at their office, and all persons may at all reasonable times inspect any such copy without payment.

[Amended 45 Vict. c. lvi. s. 47: and see notes on s. 6.]

8. Nothing in this Act contained shall authorise the Board, notwithstanding the general definition of the term bank and flood works, to direct the execution of any works other than such as are necessary for the protection of lands within the limits of this Act from floods and inundations caused by the overflow of the River Thames, and the Board shall have no authority under this Act to prescribe or order any works for any other purpose, or any works for the embankment of the River Thames, or any part thereof, in the nature of the various embankments heretofore executed by the Board under the authority of any special Act of Parliament.

Limitation of powers as to works.

9. Where in the opinion of the Board the erection of a dam of a fixed or permanent character on any premises would materially interfere with the transaction of the business carried on upon the river side of such premises, the Board may, instead of ordering such works of a fixed or permanent character, by order authorise and require the erection of a temporary or moveable dam, subject to such regulations, restrictions, and conditions with respect to the fixing, removing, and maintenance of the same as the Board may from time to time think necessary; and the Board may by any such regulations, restrictions, and conditions authorise the temporary removal of any such dam during such times as they may think proper, and may prohibit the removal or alteration of the same, except during such times and in such manner as to them may seem necessary or proper. [See also 45 Vict. c. lvi. s. 46.]

Powers of Board as to flood works of a temporary character.

10. Where the Board have ordered the erection of any dam of a temporary or moveable character subject to any regulations, restrictions, or conditions, any person making default in the due observance or committing a breach of any of the same shall be liable to a penalty not less than twenty pounds and not exceeding fifty pounds, and in case of a continuing offence to a further penalty not less than twenty pounds and not exceeding fifty pounds for each day after the first during which such default or breach continues; but, save as aforesaid, such person shall not be liable to any penalty or damages or to pay any compensation by reason or in respect of any such default or breach. [See also 45 Vict. c. lvi. s. 46.]

Penalty for breach of regulations, etc. as to temporary works.

11. The Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works for any district within the limits of this Act may, within twenty-eight days after the receipt of the copy or copies of such part of such plan transmitted to them as aforesaid, if they have not made any objection to execute the flood works shown on such copy, or if they have made any such objection, within twenty-eight days after the receipt by them of the order of the Board made after consideration of such objection, give notice in writing to the Board of their intention to execute to the satisfaction of the Board the flood works shown on such copy, and for the execution of which such Commissioners, vestry, or district board are liable to provide, and thereupon such Commissioners, vestry, or district board may proceed to execute such works in accordance with such copy, under the authority and with the powers by this Act conferred. [See notes on s. 6.]

Power to Commissioners of Sewers of City of London, vestry, or district board to execute flood works.

12. Any owner or owners of premises who is or are liable to provide for the execution upon such premises of any flood works shown on any copy or copies of any part or parts of such plan

Power to owner or owners liable to execute flood works.

transmitted to him or them as aforesaid, may within twenty-eight days after the receipt of the copy or copies of such part or parts of such plan as aforesaid, if he or they have not made any objection to execute the flood works shown on such copy or copies, or if he or they have made any such objection, within twenty-eight days after the receipt by him or them of the order of the Board made after consideration of such objection, give notice to the Board of his or their intention singly or jointly to execute to the satisfaction of the Board such works as shown on such copy or copies, and thereupon such owner or owners may, subject to the provisions of this Act, singly or jointly enter upon any such premises and proceed to execute such works in accordance with such copy or copies, under the authority and with the powers by this Act conferred.

Power to
Board to
execute flood
works in case
of default of
Commis-
sioners of
Sewers of
City of Lon-
don, vestry,
district board,
or owner.

13. If the Commissioners of Sewers of the City of London, or any vestry, district board, or any owner of premises, neglect during twenty-eight days after the receipt of the copy of any part of such plan as aforesaid, if they or he have not made any objection, to execute the flood works shown on such copy, or if they or he have made any such objection, during twenty-eight days after the receipt by them or him of the order of the Board made after consideration of such objection, neglect to give such notice as aforesaid to the Board, or within twenty-eight days thereafter neglect to begin to execute any flood works shown on such copy, and for the execution of which such Commissioners, vestry, district board, or owner are liable to provide, or fail to carry on or complete such works, when begun, with all reasonable despatch and to the satisfaction of the Board, then and in every such case the Board may, subject to the provisions of this Act, cause the same to be executed, carried on, or completed, and may for such purpose themselves and by their officers, servants, and workmen enter upon such premises and do all such acts, matters, and things as may be necessary for the execution of such works. [*See notes on s. 6.*]

Powers for
execution of
flood works.

14. The Board, the Commissioners of Sewers of the City of Loddon, the vestry of any parish, the board of works for any district, or any owner of premises, in the execution of any flood works, in accordance with the provisions of this Act, may carry the same through, along, across, or under any street, or through, along, across, or under any cellar or vault which may be under the pavement of any street, and into, through, along, across, upon, or under any lands, and may for such purpose enter upon any such cellar, vault, and lands, and any premises in the vicinity of or adjoining the same or connected therewith, compensation being made for any damage done thereby in manner provided by this Act. [*See ss. 25—28 and notes on s. 6.*]

Powers of
Board to
take lands.

15. Where for the purpose of executing any flood works in accordance with the provisions of this Act it is in the opinion of the Board necessary that the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, or any owner of premises liable under this Act to provide for the execution of such works, should take and use any premises not vested in them or subject to their control or management, or of which they or he are or is not the owner, or that the Board for the purpose of executing such works in place of them or him should take and use such last-mentioned premises, then and in every such

case the Board may take and use any such last-mentioned premises which may be required for the purpose of executing such works, and the Board shall for such purpose have and may exercise all the powers of taking land conferred upon the Board by the principal Act in relation to the taking of lands for works for the purpose of the sewerage or drainage of the metropolis.

For the purposes of notices required by the principal Act to be served upon owners or reputed owners of lands before applying for the consent of the Secretary of State to the taking of lands compulsorily, the term "owner" shall, in relation to premises to be taken for the purposes of this Act, have the same meaning as in the Lands Clauses Consolidation Act, 1845. 8 & 9 Vict.
c. 18.

When the Board have taken any premises under the authority of this Act, they may by writing under their seal authorise the Commissioners of Sewers, the vestry of any parish, the board of works for any district, and any owner to take or use the same for the execution of any flood works in accordance with the provisions of this Act, and thereupon such Commissioners, vestry, district board, or owner may for such purpose take and use such premises or any of them, and shall in respect of the same have all and the same powers as though they or he were or was the Board.

[See notes on s. 6.]

16. For the purpose of executing any works under the authority of this Act, the Board, the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works for any district, and any owner of premises liable to execute flood works, may, subject to the provisions of this Act, construct any such works through, along, over, or under the bed and soil and banks and shores of the River Thames: Provided always, that no such work shall be constructed in or upon the bed or shore of the River Thames as defined by the Thames Conservancy Act, 1857,* except with the permission of the Conservators of the said river, and under a license to be granted by the said Conservators in accordance with the provisions of the said last-mentioned Act. Power to construct flood works on the shores and bed of the River Thames.
20 & 21 Vict.
c. cxlvii. [See notes on s. 6.]

17. Notwithstanding anything in this Act, the following provisions shall apply and shall be the only provisions of this Act which shall apply to the execution of flood works in the case of or with reference to the following dock companies and their respective undertakings; that is to say, the London and Saint Katherine Docks Company,† the Surrey Commercial Dock Company, the Millwall Dock Company, and the East and West India Docks Company: † Provision as to certain dock companies.

(a.) If the Board are of opinion that it is necessary for the protection of any lands within the limits of this Act from floods or inundations caused by the overflow of the River Thames that the height or level of any bank of any such dock company should be raised, they may by notice in writing under the hand of the chairman or engineer for the time being of the Board, to be served upon the secretary or left at the chief office of the company, require that the height or level of such bank shall be raised by the company to such an extent as the Board think necessary and shall specify in the notice; and if the company do not

* Rep. and replaced by 57 & 58 Vict. c. clxxxvii. (see Appendix).

† Amalgamated by the London and India Docks Amalgamation Act 1900.

within one month after the service of the notice upon them as aforesaid give such notice to the Board as is herein-after mentioned, the company shall with all convenient speed raise the height or level of such bank to the extent specified in the notice.

(b.) Within the said period of one month the company may give notice in writing to the Board that they consider the requirement of the Board to be unnecessary in whole or in part for the purpose of such protection as aforesaid, and that they desire that the question whether such requirement is or is not necessary shall be determined by arbitration, and thereupon, upon the application either of the company or the Board, the Board of Trade may appoint a competent and impartial engineer as arbitrator to determine the question.

(c.) The arbitrator by his award may direct that the height or level of any bank specified in the notice of the Board shall be raised by the company to such an extent as he may consider necessary, and the company shall with all reasonable speed comply with any such direction of the arbitrator. If the arbitrator is of opinion that the requirements of the Board are unnecessary in whole or in part, he shall so certify. The award of the arbitrator shall be final and conclusive, and the costs of the arbitration shall be in his discretion.

Power to
inspect lands.

18. For the purpose of giving effect to the provisions of this Act, any engineer, surveyor, district surveyor, or other person duly authorised in writing by the Board or by the Commissioners of Sewers of the City of London, or by the vestry of any parish, or by the board of works for any district, or by any owner of premises liable to execute flood works, or the owner of such premises, may enter upon any premises upon which any works executed or to be executed by them or him in pursuance of this Act are or will be situate, for the purpose of inspecting or taking surveys of the same, at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon; and if any person during such hours refuses to allow such engineer, surveyor, district surveyor, or other officer or person, or any such owner, to enter upon any such premises, or obstructs him in the making of such inspection or survey, such person shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds for every day after the first day during which he so continues to act in contravention of this Act. [See notes on s. 6.]

Flood works
upon the
shore of the
River Lee to
be approved
by the Lee
Conservancy
Board.
31 & 32 Vict.
c. cliv.

19. In order to preserve the navigation of the River Lee, the plan of any flood works to be constructed under the authority of this Act through, along, over, or under the bed or soil or banks or shores of the River Lee within the limits of the jurisdiction of the Lee Conservancy Board under the Lee Conservancy Act, 1868, which may interfere with the free navigation of the said river, shall be approved by the Lee Conservancy Board in writing under their common seal before such works are commenced, certifying that the works according to such plan will not interfere with the free navigation of the said river, and thereupon such works shall only be executed in accordance with such plan, and no alteration,

shall thereafter be made in such plan, except with the approval of the Lee Conservancy Board in writing under their common seal as aforesaid.

20. Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the rights of the Lee Conservancy Board, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the Lee Conservancy Board did or might lawfully claim, use, or exercise, so far as such rights, power, authority, or jurisdiction may be exercised, or for the preserving of the free navigation of the River Lee.

Saving rights of the Lee Conservancy Board.

21. Except in so far as may be necessary for the due execution of this Act, nothing in this Act contained shall affect, alter, abridge, or interfere with any of the rights or powers at the time of the passing of this Act vested in the Commissioners of Sewers for the levels of Havering, Dagenham, Ripple, Barking, East Ham, West Ham, Leyton, and Walthamstow, and for the respective borders and confines thereof near to the same, as the same are respectively standing, lying, running, and being in the respective counties of Essex, Middlesex, and Kent, and except in so far as the said rights and powers are varied by or are inconsistent with the provisions of this Act they shall continue in full force.*

Saving rights of the Commissioners of Sewers for Havering and other levels.

Maintenance of Banks.

22. The bodies and persons by this Act liable to provide for the execution of flood works upon any premises shall respectively be liable to maintain and repair the banks upon the same, and shall for the purpose of such maintenance and repair, in accordance with any plan or specifications approved of by the Board, have all and the same powers and be subject to all and the same conditions as are by the preceding provisions of this Act conferred and imposed upon them respectively with respect to the execution of flood works in accordance with plans by the Board.

Maintenance and repair of banks.

23. From and after the passing of this Act, if any person make any alteration to any bank so as to affect the security of the premises upon which the same is situate, or of any other premises adjacent or near thereto, from flooding caused by the overflow of the River Thames, without the previous sanction in writing of the Board, such person shall be liable to a penalty not exceeding ten pounds, and in the case of a continuing offence to a further penalty not exceeding ten pounds for every day after the first day after the making of such alteration until the same be sanctioned by the Board as aforesaid, or if the same is not so sanctioned until such bank be restored to its former condition to the satisfaction of the Board.

Penalty for alteration of banks without consent of Board.

24. Whenever it is made known to the Board that any bank in any parish or in any district within the limits of this Act is out of repair, dangerous, or insufficient for the effectual protection of any premises within the limits of this Act from floods or inundations caused by the overflow of the River Thames, they shall require a survey of such bank to be made by the district surveyor or by some other competent surveyor, and it shall also be the duty

Survey and repair of dangerous or insufficient banks and maintenance and repair of same.

* The powers of these Commissioners do not now extend within London. See the Land Drainage Act 1861, s. 2.

of the district surveyor to make known to the Board any information he may receive with respect to any bank being in such state as aforesaid :

Upon completion of his survey such district or other surveyor shall certify to the Board his opinion as to the state of any such bank as aforesaid :

If such certificate is to the effect that such bank is not out of repair, dangerous, or insufficient for the purposes aforesaid, no further proceedings shall be had in respect thereof ; but

If it is to the effect that such bank is out of repair, dangerous, or insufficient for the purposes aforesaid, the Board shall cause notice thereof to be served upon the Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works for any district, or owner of premises liable to execute flood works in relation thereto, specifying the flood works which are in their opinion necessary for repairing such bank, removing any cause of danger in relation thereto, or rendering the same sufficient for the purposes aforesaid, (which works are in this Act referred to as “works of maintenance.”) and transmitting therewith a plan showing the line and level of the same, and such sections, estimates, and other information relating to the same as they may think proper, and thereupon all the preceding provisions of this Act as to the giving notices to the Board in relation to the execution of such works, and to objections as to the mode of such execution, and to the execution of such works, shall extend and apply to the giving of notices to the Board in relation to the execution of such works of maintenance, and to objections as to the mode of such execution, and to the execution of such works of maintenance, in like manner in every respect as though such works of maintenance had been works shown on the plan referred to in such preceding provisions and prepared by the Board immediately after the passing of this Act as aforesaid. [*See notes on s. 6.*]

Compensation.

Mode of
ascertaining
amount of
compensation
for damages
caused by
execution of
flood works,
etc.

25. Any person or body who claims compensation for any damage caused by the execution of any flood works under the authority of this Act, or in respect of any lands or any interest in lands taken or used for the purposes of or injuriously affected by the execution of flood works under the authority of this Act, may claim such compensation from the Board ; and if such person or body and the Board do not agree with respect to such claim, then and in every such case the validity of such claim and the amount of compensation (if any) payable in respect thereof shall, on the application of either party, be determined by arbitration by the standing arbitrator herein-after referred to, subject to and in accordance with the provisions of this Act, and such provisions shall be in substitution for the provisions with respect to the tribunal for determining the settlement of questions of disputed compensation contained in the principal Act or any Act incorporated therewith, and the amount of compensation payable in respect of any such claim, when agreed upon or determined as aforesaid, shall be paid by the Board as though the same were compensation payable in respect of lands taken under the authority of the principal Act : Provided always, that the owner or occupier of any lands shall not be entitled to any compensation on account of the

execution by himself or by any other person or body of any flood works for which such owner is in pursuance of this Act liable to provide upon any lands of which he is the owner or occupier unless after the execution of such works such lands are permanently injuriously affected thereby, and then only to the extent of such permanent injury.

26. When any claim is made for compensation under the authority of this Act the standing arbitrator shall have power to decide upon the validity of such claim, and to determine what (if any) compensation shall be made to the person or body making such claim, and in adjudicating upon such claim the standing arbitrator shall have regard to the nature of the flood works with respect to which the claim has arisen, the manner in which the same have been executed, the benefit (if any) which has accrued or which may reasonably be expected to accrue to the person or body making such claim by reason of the execution of such works, and generally to all the circumstances of the case; and the standing arbitrator may, in determining the compensation to be paid for any lands or interest in lands taken or injuriously affected under the authority of this Act, according as he shall think fit, include in or exclude from such compensation an allowance in respect of the compulsory powers of this Act, and he may make such order as to the payment of the costs of such arbitration wholly or in part by the Board or the claimant, as he shall think just.

Powers of standing arbitrator as to amount of compensation.

27. For the purpose of determining the validity of claims for compensation and the amount of compensation payable in respect of any claim declared to be valid by this Act directed to be settled by arbitration, there shall be an arbitrator, in this Act called the "standing arbitrator," appointed and acting as follows: (that is to say,)

Appointment of standing arbitrator.

- (1.) The Secretary of State shall before the 31st day of December in the year 1879, and before the same day of December in every third succeeding year, by writing under his hand appoint a standing arbitrator and fix the remuneration to be paid to him, and every person so appointed shall continue in office for three years from such 31st day of December in such years respectively:
- (2.) Any standing arbitrator may be removed from his office by the Secretary of State by writing under his hand:
- (3.) If any standing arbitrator during his term of office dies or resigns or is removed from office, the Secretary of State shall in manner aforesaid, within one month after notice of his death or resignation or removal, appoint another person to be a standing arbitrator in his place, and the person so appointed shall continue in office as long only as the person in whose place he is appointed would have been entitled to continue in office:
- (4.) The remuneration of the standing arbitrator shall be paid by the Board.

Before any standing arbitrator enters upon the duties of his office he shall in the presence of a Justice make and subscribe the following declaration: (that is to say,)

"I, A.B., do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear

and determine all matters which may from time to time be referred to me under the provisions of the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.

A.B."

And if the standing arbitrator having made such declaration wilfully acts contrary thereto, he shall be guilty of a misdemeanor.

If any reference is pending before a standing arbitrator at the time when he resigns or goes out of office by effluxion of time, it shall nevertheless be proceeded with by him, and his decision shall have the like effect as if he had not resigned or gone out of office.

Proceedings
before
standing
arbitrator.

28. The standing arbitrator shall appoint a place and time for the hearing of any matter coming before him, and shall cause six days previous notice thereof to be given in such manner as he shall think proper, and at such place and time shall consider such matter and hear the parties appearing by themselves, their counsel, solicitors, or agents, and take evidence, and the standing arbitrator may administer an oath or an affirmation (where an affirmation in lieu of an oath would be admitted in a court of justice) to any person before hearing any evidence from him, and may admit the affidavit or declaration of any person.

The standing arbitrator, on the application of any party, may by summons require the attendance before him of any person to be examined as a witness before him, and may, on the like application, by summons require any person to bring before him all books, papers, and writings in his possession, custody or control relating to any matter to be inquired into by the standing arbitrator.

Every person so summoned shall attend the standing arbitrator and answer all questions touching the matter to be inquired into, and bring and produce all papers, books, and writings required according to the tenor of the summons; and every such person not attending in obedience to such summons, or refusing to answer such questions, or failing to bring or produce such papers, books, and writings as aforesaid, shall be liable, if the standing arbitrator shall so order, to a penalty not exceeding fifty pounds: Provided that any person so summoned shall not be bound to obey the summons unless a reasonable sum is first paid or tendered to him for his expenses.

If any person on examination on oath or affirmation before the standing arbitrator, or in any affidavit or declaration used before the standing arbitrator, wilfully gives false evidence, he shall be deemed guilty of perjury.

In case any party fail to appear at the time and place appointed for the hearing of any matter by the standing arbitrator, the standing arbitrator may proceed with the hearing of such matter in the absence of such party.

The decision of the standing arbitrator in any arbitration under this Act shall be final and binding upon the parties to such arbitration.

No award made by the standing arbitrator in accordance with this Act shall be set aside for any irregularity or informality.

Financial.

Payment of
expenses of
Commis-
sioners of

29. The expenses from time to time incurred by the Commissioners of Sewers of the City of London in the execution of any flood works under this Act, and any expenses which the Board may

from time to time require payment of from the said Commissioners as herein-after provided, shall be paid by the said Commissioners out of any rates which the said Commissioners are authorised to direct to be made under any Act relating to the sewerage of the said city, or out of moneys borrowed on the security of such rates; and the said Commissioners shall have full power from time to time to raise the amount of any such expenses, and the interest on any moneys borrowed as aforesaid, and any moneys required for the repayment thereof, by any such rate which they may be authorised to direct to be made as aforesaid or by any addition thereto. [*See note * on s. 6.*]

Sewers of
City of
London.

30. Any vestry or district board, for the purpose of paying any expenses from time to time incurred by them in the execution of any flood works under this Act, or any expenses which the Board may from time to time require payment of as herein-after provided, shall from time to time raise the sums they may require by borrowing or by means of rates in every respect as if such expenses were expenses of such vestry or district board incurred in the execution by them of the principal Act in relation to the sewerage of their parish or district: and any such vestry or district board in any case in which it appears to them that such expenses have been incurred for the special benefit of any particular part of their parish or district, or have not been incurred for the equal benefit of the whole of their parish or district, may by order direct the sum or sums necessary for defraying such expenses, or any part thereof, to be levied in such part or exempt any part of such parish or district from the rates, or require a less rate to be levied thereon, as the circumstances of the case may require: and any such district board may refrain, where any entire parish or parishes ought in their judgment to be so exempt, from levying any money thereon, notwithstanding they may issue any order or orders for levying sums upon any other parish or parishes in their district.

Payment of
expenses of
vestries and
district
boards.

All the provisions of the principal Act concerning orders by vestries and district boards requiring overseers of parishes to levy and pay sums required by vestries and district boards for defraying their expenses in relation to the sewerage of their parish or district as aforesaid, and for and in relation to the making of rates for such purposes, and for levying and enforcing payment of the same, shall extend and apply to and in the case of all sums required by vestries and district boards for defraying the expenses incurred by them in the execution of this Act, and for paying interest on moneys borrowed for the payment of such expenses and for repaying such moneys under the authority of this Act. [*See note † on s. 6, and see 18 & 19 Vict. c. 120, s. 158 and note thereon.*]

31. Where the Board execute any flood works for the execution of which the Commissioners of Sewers of the City of London, the vestry of any parish, the board of works of any district, or any owner of premises were or was liable to provide, they may by order require payment of and recover the whole or such part as they may think just of the expenses incurred by them in respect of the execution of the same (exclusive of any moneys paid or any expenses incurred by them in respect of or in relation to compensation) from the said Commissioners, from such vestry, board of works, or owner:

Power to
Board to
recover
expenses in-
curred by
them in whole
or in part.

Provided also, that if the said Commissioners or any vestry, district board, or owner feel aggrieved by the amount of any sum required by order of the Board to be paid by them or him in respect of any such expenses so incurred by the Board as aforesaid, they or he may at any time within twenty-one days after service of any such order decline to pay such amount, and thereupon the amount of such sum shall be determined by arbitration by the standing arbitrator, who, upon the application of either party, shall, having regard to all the circumstances of the case, determine the amount of the sum to be paid to the Board in respect of such expenses, and shall make such order as to the payment of the costs of such arbitration as he shall think just, and the amount so fixed shall be paid to and may be recovered by the Board.

Where any sum is payable to the Board by any owner of premises in pursuance of this section, the Board shall, if required by such owner, accept payment of such sum by half-yearly instalments of such amount as will be sufficient to discharge the same, together with interest on so much thereof as shall for the time being remain unpaid, at the rate of five pounds per centum per annum, in thirty years from the date when such sum became payable by such owner, and thereupon the Board shall be entitled from time to time to require payment of such half-yearly instalments from the owner of such premises for the time being; and until all such instalments shall be fully paid off they shall be a charge upon such premises in priority of all other charges and incumbrances whatsoever, except the land tax and the property tax charged upon the owner, and shall from time to time be paid by the owner of such premises for the time being to and may be recovered by the Board. [*See notes on s. 6.*]

Rentcharge
may be
granted in
respect of
works.

32. Where any owner of lands has incurred any expenses in pursuance of this Act, the Board, on being satisfied that such expenses have been duly incurred, may by order under their seal grant to such owner a yearly rentcharge issuable out of the lands in respect whereof such expenses have been incurred and specified in such order, and thereupon such lands shall be subject to and charged with the payment of such rentcharge in priority of all other charges or incumbrances whatsoever (except the land tax and the property tax charged upon the owner), and such rentcharge shall be payable by the person who for the time being is the owner of such premises.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works in respect of which such expenses shall in any such order be expressed to have been incurred, and shall be payable by equal half-yearly payments on the days mentioned in such order during a term not exceeding thirty years, in such manner that the whole of such expenses, with the costs of preparing the said order, together with interest thereon respectively at the rate of five pounds per centum per annum on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

At any time before the expiration of the term during which any such instalments or any such rentcharge are or is payable, the person liable to pay the same may redeem such instalment or rentcharge by paying to the Board or to the person entitled to receive the expenses in respect of which such instalments are payable or

such rentcharge was granted, or such part thereof respectively as may not have been defrayed by the half-yearly payments of such instalments or rentcharge respectively already made.

Whenever any annual payment by way of instalment or rentcharge is under this Act payable by the owner for the time being of any lands, and such owner for thirty days after notice requiring him to pay the same makes default in paying the same, then and in every such case the Board or the person entitled thereto shall be at liberty to require the occupier of such premises to pay the same to them or him, and in case any such occupier shall for fourteen days after notice in writing by the Board or person so entitled as aforesaid requiring him to make such payment make default therein, then and in every such case the Board or such person entitled as aforesaid may recover the amount due in respect of such rentcharge or instalments from such occupier in the same manner and with the like remedies in every respect as if they or he were overseers of the poor of the parish in which such premises are situate, and as if the amount due were poor rates in arrear in respect of such premises: Provided always, that where any payment is made by or recovered from any occupier under this section, he shall be entitled to deduct the amount of the same from any payment he may from time to time be liable to make to the owner until he be reimbursed such amount.

33. The Board, for the purpose of paying any expenses from time to time incurred by them under this Act, may apply any moneys raised or authorised to be raised by them under any Act of Parliament and not required for the purposes of that Act, and also any moneys which they may be authorised to raise for the purposes of this Act.

Power to apply moneys raised under other Acts to expenses incurred by Board under this Act.

34. All expenses incurred by the Board in the execution by them of this Act, and not hereby otherwise provided for, shall be deemed to be expenses incurred by them in the execution of the principal Act, and shall be raised and paid accordingly. [*See 25 & 26 Vict. c. 102, s. 5, and note thereon.*]

Expenses of Board.

35. Nothing in this Act contained shall exempt from liability to maintain and repair any bank any person or body who is by Act of Parliament, by prescription, or by reason of tenure, or otherwise by law liable to maintain or do any repairs to any bank: Provided always, that whenever any flood works have been executed by any body or person in pursuance of this Act affecting such bank, and in relief of the liability of the person or body liable to maintain or do any repair to such bank as aforesaid in respect of such maintenance and repair thereof, then and in every such case the person or body so liable as aforesaid shall pay to the body or person executing such works such sum as is hereafter in this section mentioned.

As to liability in respect of certain flood works for which persons are liable by Act of Parliament, by prescription, tenure, or otherwise by law.

The sum to be paid by such person or body in respect of such works shall be such sum as may be agreed on between such person or body and the body or person executing such works as aforesaid, or in default of agreement as may be settled by arbitration by the standing arbitrator, who, upon the application of either party, shall settle the same, and shall in settling the same have regard to the expenses which the person or body by whom such sum is to be paid would have reasonably been liable to incur in respect of the

maintenance or repair of such bank as aforesaid if such works had not been executed as aforesaid, and who shall make such order as to the payment of the costs of such arbitration as he shall think just.

Any moneys received by the Board, the Commissioners of Sewers of the City of London, the vestry of any parish, or the board of works of any district under the provisions of this section, shall be applied by them towards the payment of the expenses which they have incurred or may incur in the execution of works in pursuance of the provisions of this Act.

Where the expenses of any such works are made a charge by the Board upon any premises, any moneys received by the Board in respect of the same under the provisions of this section shall be applied by the Board in reduction of the amount of such charge.

[*See notes on s. 6.*]

Miscellaneous.

Recovery of
expenses.

36. Any expenses recoverable by the Board under the authority of this Act may be recovered in manner prescribed by the principal Act with respect to the recovery of expenses directed by that Act to be recovered in a summary manner. [*See 18 & 19 Vict. c. 120, ss. 225 and 226.*]

As to notices
and orders.

37. A notice or order under this Act may be wholly or partly in writing or in print, and may be served on the owner or occupier of any premises by leaving the same with the occupier of such premises or with some inmate of his abode, or if there is no occupier by putting up such notice, plan, or order on a conspicuous part of the building or premises to which the same relates, and it shall not be necessary to name the owner or occupier of such premises; nevertheless, when the owner of any such premises and his residence or that of his agent is known to or can with reasonable diligence be discovered by the party by whom or on whose behalf any notice or order is intended to be served, it shall be the duty of such party to send a copy of every such notice or order by the post in a registered letter addressed to the residence or last known residence of such owner or of his agent.

The term "notice" in this section shall include plan.
[*See the Interpretation Act 1889, s. 20 (see Appendix).*]

Agreement
between
landlord and
tenant not to
be avoided.

38. Nothing in this Act contained shall be taken to avoid any contract made between any landlord and tenant of any lands to which the provisions of this Act relate with respect to the execution of any flood works or of any other works for the protection of such lands or any lands adjoining or near the same from floods or inundations caused by the overflow of the River Thames, or with respect to the maintenance and repair of such lands, or of any house, building, or other erection thereupon, or with respect to any payments, rates, dues, and sums of money payable in respect of such lands, house, building, or other erection; and any moneys paid by any landlord or any tenant in pursuance of this Act, in relation to any matters with respect to which under any such contract such tenant or landlord is liable, may be recovered by such landlord as rent due by such tenant, or be deducted by such tenant from any rent from time to time due by him to such landlord.

39. [*Saving the rights of the Thames Conservators.*]

40. [*Saving the rights of the Duchy of Cornwall.*]

41. [*Saving the rights of the Crown.*]

42. [*Saving the rights of the Crown in respect of property vested in the Crown or in the Commissioners of Works.*]

43. From and after the passing of this Act the provisions of sections sixty-nine and seventy of the principal Act, so far as they relate to the execution and maintenance of flood works and banks as defined by this Act by vestries and district boards, shall cease to be in force or to have effect.

So much of sections 69 and 70 of 18 & 19 Vict. c. 120. as relates to flood works, etc. to cease to be in force. Recovery and application of penalties.

44. Every penalty, fine, or forfeiture imposed by this Act, or for default or breach of any regulation, restriction, or condition made or imposed in pursuance thereof, may be sued for and recovered by the Board, or any officer or servant by them authorised, as if it were a penalty or forfeiture imposed by the principal Act, and shall be paid to the Board and applied by them towards the expenses of carrying this Act into execution, anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty, chapter seventy-one, or in any other Act or Acts, to the contrary notwithstanding.

45. [*Expenses of obtaining Act. Spent.*]

CHAPTER CCXIX.

AN ACT TO AUTHORISE THE SALE OF A STRIP OF LAND ADJOINING THE KNIGHTSBRIDGE BARRACKS TO THE METROPOLITAN BOARD OF WORKS FOR THE IMPROVEMENT OF THE KNIGHTSBRIDGE ROAD, TO TRANSFER THE MANAGEMENT OF A PIECE OF CROWN LAND AT HAMPTON COURT FROM THE COMMISSIONERS OF HER MAJESTY'S WOODS TO THE COMMISSIONERS OF HER MAJESTY'S WORKS, AND VEST THE MANAGEMENT OF LAND LEFT VACANT ON THE RECONSTRUCTION AND IMPROVEMENT OF GLOUCESTER GATE BRIDGE, REGENT'S PARK, IN THE COMMISSIONERS OF HER MAJESTY'S WOODS.

[15th August 1879.]

[*Preamble recites (inter alia) an offer by the Metropolitan Board of Works (in this Act thereafter called "The Metropolitan Board"*) to purchase from the Commissioners of Woods a strip of land (in this Act called "the Knightsbridge land") containing 7,623 superficial feet, being part of Hyde Park, to widen Knightsbridge Road abutting on the Cavalry Barracks, and the deposit of plans showing the said strip of land in the office of Land Revenue Records and Inrolments; and further recites the Crown Lands Act 1851 (14 & 15 Vict. c. 42).*]

1. This Act may be cited as the Knightsbridge and other Crown Lands Act, 1879.

As to the Knightsbridge Lands.

2. It shall be lawful for the Commissioners of Woods, and if requested by the Secretary for War and the Commissioners of Works, they are hereby required to sell and convey for and on behalf of Her Majesty, her heirs and successors, to the Metropolitan Board, all the estate, right, and interest of Her Majesty in the "Knightsbridge land" (coloured yellow on the deposited plan) for the sum of five thousand pounds, subject to the reservations and

Commissioners of Woods empowered to sell the "Knightsbridge land" to the Metropolitan Board.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

conditions herein-after specified, and the said land shall upon such sale and conveyance vest in the Metropolitan Board for the purposes and subject to the reservations and conditions specified in this Act, free from any right to the occupation thereof by the Secretary for War.

3—4. [*As to application of consideration money and date for payment thereof. Spent.*]

Reservation
of right to
construct
vaults under
pavement.

5. The conveyance to the Metropolitan Board of the said land shall be subject to the right of Her Majesty and of the Secretary for War to construct, hold, use, and maintain vaults under the footway to be formed by the Metropolitan Board as herein-after mentioned either with or without openings between such vaults and the surface, such vaults to be constructed to the reasonable satisfaction of the Metropolitan Board.

Appropriation
of land
by Metropo-
litan Board.

6. When, under the provisions of this Act, the said land shall have become vested in the Metropolitan Board, the following provisions shall take effect :

1. The Metropolitan Board shall appropriate such part of the said land as may be necessary for such purpose to the formation of a public footpath next the new frontage line of the barracks of such width and at such level as may be approved by the Secretary for War, and shall form, make, and sufficiently pave the same, but subject to the rights of construction of vaults reserved to Her Majesty and the Secretary for War as aforesaid ;
2. The Metropolitan Board shall appropriate the remainder of the said land to the widening of the Knightsbridge Road, and they shall level, make, and metal the same in such manner that the same may be laid into and form part of the Knightsbridge Road ;
3. The Metropolitan Board shall relay and repave any part of the said road, street, or footpath which they may disturb or alter in the execution of any of the works aforesaid ;

and when the said land shall have been laid out, levelled, made, paved, and metalled in accordance with the provisions of this Act the same shall form part of the Knightsbridge Road, and shall thereupon be a public highway, of the same nature, subject to the same control, maintenance, and jurisdiction as the Knightsbridge Road, to which it is hereby added, and the same shall be maintained accordingly.

Present site
of barracks
to remain
part of Hyde
Park, but to
be under
charge of
Secretary for
War so long
as used for
barrack
purposes.

7. The present site of the said barracks, including any vaults and openings to be constructed as aforesaid, shall remain part of Hyde Park, but so long as the same shall be used or occupied for barrack purposes for the troops of Her Majesty, her heirs or successors, shall be under the charge of the Secretary for War for the time being, and, subject to this provision, the same premises shall be deemed to belong to that part of the said park which by the said Act of the fourteenth and fifteenth years of Her Majesty, chapter forty-two, is placed under the management of the Commissioners of Works.

8—12. [*Provisions as to Crown lands at Hampton Court and Gloucester Gate Bridge, Regent's Park.*]

Plans to be
open for
inspection on
payment of
fee.

13. All persons shall be at liberty at all seasonable times to inspect the deposited plans at their will and pleasure, paying the sum of one shilling for every such inspection.

43 & 44 VICTORIA. A.D. 1880.

CHAPTER 25.

AN ACT FOR FURTHER AMENDING THE ACTS RELATING TO THE
RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS ;
AND FOR OTHER PURPOSES RELATING THERETO.

[26th August 1880.]

[*Preamble rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1880, and the Metropolitan Board of Works (Money) Acts, 1875 to 1879, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1880.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1879.

3. The expression "Embankment Acts" in the Metropolitan Board of Works (Loans) Act, 1869, and in this Act shall mean the series of Acts specified in Part II. of the Second Schedule to this Act annexed, and the Metropolitan Board of Works (Loans) Act, 1869, shall be construed accordingly.

The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

[*Part omitted (definitions of the expressions "Parks and Open Spaces Acts") rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

4-6. [*Amendment of s. 8 of 42 & 43 Vict. c. 69—Power to the Board to expend money for the purposes of the Parks and Open Spaces Acts; 18 & 19 Vict. c. 120; 35 & 36 Vict. c. clxiii.; 39 & 40 Vict. c. lxxix.; 40 & 41 Vict. c. xcix.; and 42 & 43 Vict. c. 69. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

7. [*As to expenses for Fire Brigade purposes till 31st December 1881. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision as to carrying from time to time to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section in 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 3.*]

8. [*Power to the Board to spend money for the purposes of street improvements under 40 & 41 Vict. c. cccxxv., and 42 & 43 Vict. c. cxviii. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

9. . . . There shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875),* to the consolidated rate out of the local rate, as defined by the Artizans and Labourers Dwellings Improvement Act, 1875,* all moneys required for payment of dividends on and the redemption of the consolidated stock created for the purposes of this section. . . . [*Parts omitted (as to power to spend money under 38 & 39 Vict. c. 36, and proviso that the moneys to be raised, and the stock to be created under this section shall only be raised and created in such amounts and at such times as the Board shall actually require and the Treasury approve for the purposes of such schemes) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

* Rep. and replaced by the Housing of the Working Classes Act, 1890.

Short title.
38 & 39 Vict. c. 65
39 & 40 Vict. c. 55
40 & 41 Vict. c. 52
41 & 42 Vict. c. 37
42 & 43 Vict. c. 69
Construction
of Act.
32 & 43 Vict. c. 102
33 & 34 Vict. c. 24
34 & 35 Vict. c. 47
38 & 39 Vict. c. 65,
39 & 40 Vict. c. 55,
40 & 41 Vict. c. 52,
41 & 42 Vict. c. 37,
42 & 43 Vict. c. 99.
Interpreta-
tion.
29 & 31 Vict. c. cl.
etc.
25 & 26 Vict. c. 93,
etc.
32 & 33 Vict. c. 102
34 & 35 Vict. c. 104
26 & 27 Vict. c. 68
28 & 29 Vict. c. 19.

Power for
Board to ex-
pend money
for purposes
of schemes
under
38 & 39 Vict. c. 36,
38 & 39 Vict. c. 36.

Special power
to Board to
expend
money for
purposes of
main drain-
age and
main sewers.
21 & 22 Vict. c. 104,
25 & 27 Vict. c. 68,*
28 & 29 Vict. c. 19,*
1 & 19 Vict. c. 120.

10. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force, relating to the execution of works authorised by the said Acts respectively, shall continue in force, and shall extend and apply respectively to the works executed by means of money raised in pursuance of this section, and all stock created under the authority of this section shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [*Part omitted (as to power to the Board to spend money for purposes of main drainage and main sewers) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

11. [*Power to the Board to lend to cestries and district boards till 31st December 1881. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury, not exceeding as to loans for widening streets or for bridges and purchase of lands 60 years, and for other purposes 30 years; and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 4.*]

12. [*Power to the Board to lend to guardians till 31st December 1881. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years, and as to carrying to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.*]

13. [*Extension of amount which the Board may lend to the Managers of the Metropolitan Asylum District. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

14. [*Power to the Board to lend to the School Board for London till 31st December 1881. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a period not exceeding 50 years. Superseded by 2 Edw. 7, c. 42, sch. 2, and 3 Edw. 7, c. 24.*]

15. [*Power to the Board to lend to corporations, burial boards, etc., till 31st December 1881. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury, not exceeding as to loans for widening streets or for bridges and purchase of lands 60 years, and for other purposes 30 years; and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 6.*]

16—25. [*As to payment of expenses relating to the Select Committee on London Water Supply and as to "Metropolitan Bills." Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

26. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

27. [*Limit to borrowing powers. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

FIRST SCHEDULE. [*Particulars of new money powers conferred by this Act. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

* Rep. 32 & 33 Vict. c. 102, s. 50.

Repayments
to be carried
to Consoli-
dated Loans
Fund.

SECOND SCHEDULE.

[Part I. List of Parks and Open Spaces Acts referred to in s. 3. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

PART II.

Embankment Acts.

- The Thames Embankment (North) Act, 1862, 25 & 26 Vict. c. 93., 26 & 27 Vict. c. 45.
 Thames Embankment (South) Act, 1863, 26 & 27 Vict. c. 75.
 „ „ Amendment Act, 1864, 27 & 28 Vict. c. cxxxv., 27 & 28 Vict. c. 61.*
 „ „ (North and South) Act, 1868, 31 & 32 Vict. c. cxi., 31 & 32 Vict. c. 43.*
 „ „ (Chelsea) Act, 1868, 31 & 32 Vict. c. cxxxv., 32 & 33 Vict. c. 131.†
 „ „ (North) Act, 1870, 33 & 34 Vict. c. xcii.
 „ „ „ 1872, 35 & 36 Vict. c. lxxvi.
 „ „ (Land) Act, 1873, 36 & 37 Vict. c. 40.
 „ „ (South) Act, 1873, 36 Vict. c. vii.
 Charing Cross and Victoria Embankment Approach Act, 1873, 36 & 37 Vict. c. c.
 Metropolitan Board of Works Various Powers Act, 1876 (Chelsea Embankment), 39 & 40 Vict. c. lxxix.

CHAPTER CXXXI.

AN ACT TO CONFIRM THE PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE MODIFICATION OF THE METROPOLIS (HIGH STREET, ISLINGTON) IMPROVEMENT SCHEME. [6th August 1880.]

[Preamble recites 40 & 41 Vict. c. cxxxiii.]

1. The Order set out in the schedule herunto annexed is hereby confirmed. Order in schedule confirmed.
2. This Act may be cited as the Metropolis Improvement Schemes Modification Act, 1880. Short title.

SCHEDULE. [Provisional Order of the Home Secretary, dated 26th December 1879, confirming a scheme prepared by the Metropolitan Board of Works (1) for the inclusion of a portion of the site of Blackhorse Yard (coloured blue and purple on the plan annexed to the Order), in the area to which the Metropolis (High Street, Islington) Improvement Scheme 1877 relates; (2) for the purchase by the Board of the said portion of Blackhorse Yard; (3) for the reservation of a right of way over the said portion of Blackhorse Yard to the endow, Lord Calthorpe, his heirs, executors, administrators, and assigns, and to his tenants and lessees; and (4) for the purchase and inclusion by the Board in the area to which the said improvement scheme relates of Nos. 48 & 50, High Street, Islington. Spent.]

44 & 45 VICTORIA. A.D. 1881.

CHAPTER 34.

AN ACT TO AMEND THE METROPOLITAN OPEN SPACES ACT, 1877. [11th August 1881.]

[Preamble (reciting 40 & 41 Vict. c. 35) rep. 57 & 58 Vict. c. 56 (S.L.R.).]

1. In this Act, unless the context otherwise requires—
 “Open space” means any land (whether inclosed or uninclosed) which is not built on, and which is laid out as a garden or is Interpretation clause.

* Rep. 32 & 33 Vict. c. 102, s. 50.

† Semble refers to the Park Lane Improvement Act 1869 (32 & 33 Vict. c. cxxxiv.).

used for purposes of recreation, or lies waste and unoccupied. . . . [Amended 53 & 54 Vict. c. 15, s. 7. Words omitted ("but shall not include any inclosed land which has not a public road or footpath completely round the same") rep. 50 & 51 Vict. c. 32, s. 2.]

18 & 19 Vict.
c. 120.

"The metropolis" means the metropolis as defined by the Metropolis Management Act, 1855;

"The Metropolitan Board" means the Metropolitan Board of Works as constituted by the same Act *;

"Vestry" means a vestry of one of the parishes specified in Schedule A. of the same Act †;

"District board" means a board of works of one of the districts specified in Schedule B. of the same Act †;

"The corporation" means the mayor and commonalty and citizens of the city of London, and the powers conferred upon them by this Act may be exercised by the mayor, aldermen, and commons of the said city in common council assembled;

The "owner" of a churchyard, cemetery, or burial ground means the person or persons, corporation sole, or body corporate in whom the soil and freehold of such churchyard, cemetery, or burial ground is vested, whether as appurtenant or incident to any benefice or cure of souls, or otherwise.

The term "burial ground" shall include any ground, whether consecrated or not, which has been at any time set apart for the purposes of interment. . . . [Words omitted ("and in which interments have taken place since the year 1800") rep. 50 & 51 Vict. c. 32, s. 2.]

Power to
trustees to
transfer
certain open
spaces to
local
authority.

2. Where any open space within the metropolis is under the provisions of any private or local Act of Parliament placed under the care and management of trustees or other persons, with a view to the preservation and regulation of the same as a garden or open space, it shall be lawful for the said trustees or other the managing body thereof for the time being, in pursuance of any resolution duly passed as herein-after mentioned, and with the consent, to be signified in manner herein-after appearing, of the owners and occupiers of any houses fronting upon, or the owners or occupiers of which are liable to be specially rated for the maintenance of the open space, to convey, assign, or transfer for valuable or nominal consideration, or by way of gift, to the Metropolitan Board, or to the vestry or district board of the parish or district in which such open space or any part thereof is situate, the soil and freehold of, or other their entire interest in, or (where no interest in the soil of such open space is vested in them) the entire care and management of the said open space, to the end that the same may be preserved for the enjoyment of the public; and upon such conveyance, assignment, or transfer such trustees or other managing body shall be relieved and discharged from all trusts, powers, and duties imposed upon them by the Act or other instrument under which they were constituted, or under which they then act or otherwise with reference to the said open space, but shall hold any purchase money paid for or in respect of the said open space in trust for the benefit of the persons or class of persons for whose benefit the said open space was previously preserved and

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the Metropolitan Borough Council. See 62 & 63 Vict. c. 14, s. 4.

managed by the said trustees, and such persons or class of persons shall be discharged from any special rate or other obligation previously imposed on them in respect of such open space. [Amended 50 & 51 Vict. c. 32, s. 2.]

It shall be lawful for any such trustees or managing body as aforesaid, in pursuance of any such resolution as aforesaid, and with such consent as aforesaid, for any valuable or nominal consideration, by way of rent or otherwise, or without any consideration, to grant or transfer to the Metropolitan Board, or to any such vestry or district board as aforesaid, any term of years or other limited interest in or any right or easement over such open space, or to enter into any agreement with the Metropolitan Board or any such vestry or district board as aforesaid for the opening to the public of such open space, and the care and management thereof by such board or vestry at all times or at any specified time or times, without the transfer to such board or vestry of any interest in the soil of such open space : and any such grant, demise, transfer, or agreement as aforesaid shall be deemed a good execution of the trusts, powers, and duties imposed upon the said trustees by the Act or other instrument under which they are constituted or act.

A resolution under this section shall be deemed to have been duly passed if at a meeting of the trustees or other the persons constituting such managing body as aforesaid, summoned by at least one month's notice in writing left at or sent by post to their last known or usual place of abode, such resolution shall have been passed by a majority of two thirds in number of the persons present at such meeting, and if such resolution shall also have been confirmed by two thirds in number of the persons present at a second like meeting, to be summoned by such notice as aforesaid, and to be held at an interval of not less than one calendar month from the first meeting.

The consent of such owners and occupiers of houses as aforesaid shall be held to have been given and signified if, at a meeting of such persons summoned by at least one month's notice in writing given as herein-after directed, a resolution shall have been passed by a majority of at least two thirds in number of the persons present at such meeting consenting to the conveyance, grant, or transfer of the said open space as aforesaid, or to such an agreement with the Metropolitan Board, vestry, or district board as aforesaid : and if such resolution shall also have been confirmed by two thirds in number of such owners and occupiers present at a second like meeting, to be summoned in like manner to the first meeting, and to be held at an interval of not less than one calendar month from the first meeting.

Notice of such meeting shall be given by leaving the same or sending the same through the post to every house fronting upon, or the owner or occupier of which is liable to be specially rated for the maintenance of, the said open space, and by inserting the same as an advertisement at least three times in any two or more London daily papers, and such notice shall state generally the object of the said meeting, and no such meeting shall be held between the first day of August in one year and the thirty-first day of January in the following year.

For the purposes of this section the owner of a house shall include any person entitled to any term of years therein : and the

occupier of a house shall be the person rated to the relief of the poor in respect of the said house.

If at any meeting of such trustees or managing body, or at any meeting of such owners or occupiers as before mentioned, the resolution proposed at any such meeting be not carried, no meeting shall be called or held with the same object in respect to the same garden or open space until the expiration of three years from the day on which such resolution so proposed was rejected at any such meeting as above mentioned.

A conveyance, assignment, demise, grant, or agreement under this section shall be made by an instrument under the common seal of the trustees or other managing body if such body be a corporation, and if it be not a corporation under the hands and seals of any five members of such body, or of all the members thereof if for the time being they be less than five in number.

The trustees or other the managing body of any such open space as aforesaid may (anything contained in the Act or other instrument under which they are constituted or act to the contrary notwithstanding), in pursuance of any such resolution as aforesaid, and with such consent as aforesaid, signified as aforesaid, admit persons not owning, occupying, or residing in any house fronting on the said open space to the enjoyment of the said open space at all times, or at any specified time or times, and may regulate the admission of such persons thereto on such terms and conditions in all respects as the trustees may think proper.

Any trustees so acting as aforesaid shall have the same power of making byelaws as that conferred by the fourth section of the Act passed in the twenty-sixth year of Her Majesty, chapter thirteen, intituled "An Act for the protection of certain garden or ornamental grounds in cities and boroughs"* upon the committee therein mentioned.

Where the freehold of any such open space as is referred to in this section, and the freehold of all or of the major part of the houses round such open space are vested in the same person or persons, the powers conferred by this section shall not be exercised without the consent of such person or persons.

Power to
transfer
other open
space to local
authority.

3. The owner of any open space within the metropolis which is subject to rights of user for exercise and recreation (secured by covenant or otherwise) in the owners and occupiers (or either of such classes) of any houses round or near the same may, with the consent (to be signified in manner herein-after appearing) of such owners and occupiers of houses, convey to the Metropolitan Board, or to the vestry or district board of the parish or district in which such open space or any part thereof is situate, the soil of the said open space in trust for the enjoyment of the public; and the owner or any person or persons in whom any term of years or other limited interest in such open space is vested may, with the like consent, grant or transfer to the Metropolitan Board or such vestry or district board as aforesaid, in trust as aforesaid, any term of years or other limited interest in or any right or easement over such open space, or enter into any agreement with the Metropolitan Board or any such vestry or district board as aforesaid for the opening to the public of such open space, and the care and management thereof by such board or vestry either at all times or at any specified time or

* See Appendix.

times without the transfer to such board or vestry of any interest in the soil of such open space.

The consent of such owners and occupiers of houses as aforesaid shall be held to have been given and signified if at a meeting of such persons summoned by at least one month's notice in writing (given as herein-after directed) a resolution shall have been passed by a majority of at least two-thirds in number of the persons present at such meeting consenting to the conveyance, grant, or transfer of the said open space as aforesaid, or to such an agreement with the Metropolitan Board, vestry, or district board as aforesaid, and the owner shall be thereupon discharged from any liability to any person entitled to such right of user as aforesaid in respect of any act done in accordance with such resolution.

Notice of such meeting shall be given by leaving the same or sending the same through the post to every house, the owner or occupier of which is entitled to any right of user, and by inserting the same as an advertisement at least three times in any two or more London daily papers, and such notice shall state generally the object of the said meeting; and no such meeting shall be held between the first day of August in one year and the thirty-first day of January in the following year.

For the purposes of this section the owner of an open space shall be any person or persons in whom the soil of the open space is vested for an estate in possession during his or their life or lives or for any larger estate; the owner of a house shall include any person entitled to any term of years therein; and the occupier of a house shall be the person rated to the relief of the poor in respect of the said house.

4. The owner of any churchyard, cemetery, or burial ground situate within the metropolis, and closed for burials either under an order of Her Majesty the Queen in Council, or otherwise, may convey the soil of such churchyard, cemetery, or burial ground, or grant any term of years or other limited interest therein to or enter into any agreement with the Metropolitan Board or the vestry or district board of the parish or district in which such churchyard, cemetery, or burial ground, or any part thereof, is situate for the purpose of giving the public access to the said churchyard, cemetery, or burial ground, and preserving the same as an open space accessible to the public, and under the control of such board or vestry, and for the purpose of improving and laying out the same. [See 15 & 16 Vict. c. 85, s. 2.]

Power to transfer disused burial grounds to local authority.

5. The Metropolitan Board and the vestry or district board of the parish or district within which any open space, churchyard, cemetery, or burial ground, or any part thereof, is situate may, by agreement, and for valuable or nominal consideration by way of payment in gross or of rent, or otherwise, or without any consideration, take and hold the soil and freehold of, or any term of years or other limited estate or interest in, or any right or easement in or over any open space, churchyard, cemetery, or burial ground, and may, with reference to any open space, churchyard, cemetery, or burial ground, undertake the entire or partial care, management, and control thereof, whether any interest in the soil is transferred to the board or vestry or not, and may for the purposes aforesaid enter into any agreement with the persons authorised by this Act to agree with reference to any open space, churchyard, cemetery, or burial ground or with any other persons interested therein.

Powers and duties of local authority.

Any estate or interest in or control over any open space, churchyard, cemetery, or burial ground acquired by the Metropolitan Board, or any vestry or district board under the provisions of this Act, shall be held and administered by such board or vestry in trust to allow, and with a view to, the enjoyment by the public of such open space, churchyard, cemetery, or burial ground in an open condition, free from buildings * and under proper control and regulation, and for no other purpose, . . . and the board or vestry shall maintain and keep the same in a good and decent state, and may inclose or keep the same inclosed with proper railings and gates, and may drain, level, lay out, turf, plant, ornament, light, seat, and otherwise improve the same, and do all such works and things, and employ such officers and servants, as may be requisite for the purposes aforesaid, or any of them.

Provided that no board or vestry shall exercise any of the powers of management in this Act mentioned with reference to any consecrated ground, unless and until they are authorised so to do by the license or faculty in that behalf of the bishop of the diocese in which such consecrated ground is situate, which license or faculty may be granted by such bishop upon the application of the board or vestry, and may extend to the removal of any tombstone or monument,† under such conditions and subject to such restrictions as to the bishop may seem fit.

[*Words omitted ("but such Metropolitan Board, vestry, or district board shall not allow the playing of any games or sports therein")* *rep.* 50 & 51 *Vict. c.* 32, s. 2.]

Byelaws.

6. The Metropolitan Board and any vestry or district board may, with reference to any open space, churchyard, cemetery, or burial ground in or over which it has acquired any estate, interest, or control under the provisions of this Act, make byelaws for the regulation thereof, and of the days and times of admission thereto, and the preservation of order and prevention of nuisances therein, and may by such byelaws impose penalties for the infringement thereof, and provide for the removal of any person infringing any such byelaw by any officer of the board or vestry or police constable.

Byelaws made under this Act shall be made in the same manner and subject to the same conditions as byelaws made by the Metropolitan Board or by a vestry or district board, as the case may be, under the *Metropolis Management Act, 1855*. [*Superseded (as regards the London County Council) by 53 & 54 Vict. c. cxliii. ss. 14--21; and 61 & 62 Vict. c. cxxi. s. 61. See also 18 & 19 Vict. c. 120, ss. 202 and 203.*]

Metropolitan Board and vestry or district board may carry out Act jointly.

7. The Metropolitan Board or any vestry or district board, and where an open space extends into two or more parishes or districts two or more vestries or district boards, either with or without the Metropolitan Board, may jointly carry out the provisions of this Act, and may enter into any agreement, on such terms as may be arranged between them, for so doing and for defraying the expenses of the execution of the Act, and the Metropolitan Board may defray the whole or any part of the expenses of the execution of this Act by any vestry or district board, and any vestry or district board may similarly defray the whole or any part of the expenses of the Metropolitan Board or, where an open space extends into two or more parishes or districts, of any other vestry or district board.

* See 50 & 51 *Vict. c.* cvi. s. 50; 56 & 57 *Vict. c.* lxxi. s. 25; 58 & 59 *Vict. c.* cxxvii. s. 45; and 63 & 64 *Vict. c.* cclxviii. s. 29.

† See 50 & 51 *Vict. c.* 32, s. 3.

8. Where any open space, churchyard, cemetery, or burial ground, by virtue of any Act of Parliament or otherwise, is extra-parochial, or forms part of some parish other than that which surrounds the same, the vestry or district board acting for the parish surrounding the same may carry out, or may enter into agreement with any one or more vestries or district boards acting for any other parishes, on such terms as may be arranged between them, and may jointly carry out, the provisions of this Act, and shall have the same powers in every respect as if such open space, churchyard, cemetery, or burial ground were part of the parish or district of such vestry or district board.

Provision for extra-parochial places.

9. No estate, interest, or right of a profitable or beneficial nature in, over, or affecting an open space, churchyard, cemetery, or burial ground shall, except with the consent of the body or person entitled thereto, be taken away or injuriously affected by anything done under this Act without compensation being made for the same; and such compensation shall be paid by the Metropolitan Board, vestry, or district board by which such estate, interest, or right is taken away or injuriously affected, and shall, in case of difference, be ascertained and provided in the same manner as if the same compensation were for the compulsory purchase and taking or the injuries affecting of lands under the provisions of the Lands Clauses Consolidation Act, 1845, and any Acts amending the same.

Provision for compensation.

8 & 9 Vict. c. 18.

10. All expenses incurred under this Act by the Metropolitan Board or by any vestry or district board shall be defrayed out of the funds at their disposal respectively, or which they respectively are empowered to raise under the Metropolis Management Act, 1855, and the several Acts amending the same; and such expenses shall be deemed to be expenses for which provision is made by such Acts. [*Superseded (as regards the London County Council) by 51 and 52 Vict. c. 41, part iv.; and by the London County Council (Money) Acts 1882—1904.*]

Expenses.

11. This Act shall extend only to the metropolis, and shall not extend to the royal parks or to any land belonging to Her Majesty in right of her Crown or of her Duchy of Lancaster, or to any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851, or to any metropolitan common within the meaning of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869.

Extent of Act.

14 & 15 Vict. c. 95.

29 & 30 Vict. c. 122.

32 & 33 Vict. c. 107.

12. The powers in this Act conferred on and in relation to the Metropolitan Board, vestries, and district boards shall in the city of London be exercised by and have relation to the corporation, who shall defray, out of the *metage* of grain duty or otherwise, all the expenses caused by or connected with the execution of such powers by them; and any byelaws made by the corporation for the regulation of any open space acquired under the powers of this Act shall be made and allowed in manner prescribed by the Corporation of London (Open Spaces) Act, 1878. [*Words in italics obsolete.* See the *Metageon Grain (Port of London) Act 1872.*]

Application in city of London.

41 & 42 Vict. c. cxxvii.

13. This Act may be cited as the Metropolitan Open Spaces Act, 1881; and this Act and the Metropolitan Open Spaces Act, 1877, may together be cited as the Metropolitan Open Spaces Acts, 1877 and 1881.

Short title.

CHAPTER 48.

AN ACT FURTHER TO AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES RELATING THERETO.

[22nd August 1881.]

[Preamble.]

Short title.

38 & 39 Vict. c. 65.
39 & 40 Vict. c. 55.
40 & 41 Vict. c. 52.
41 & 42 Vict. c. 37.
42 & 43 Vict. c. 69.
43 & 44 Vict. c. 25.

Construction of Act.

32 & 33 Vict. c. 102.
33 & 34 Vict. c. 24.
34 & 35 Vict. c. 47.
38 & 39 Vict. c. 65.
39 & 40 Vict. c. 55.
40 & 41 Vict. c. 52.
41 & 42 Vict. c. 37.
42 & 43 Vict. c. 69.
43 & 44 Vict. c. 25.

Power to Board to expend money for purposes of schemes under
38 & 39 Vict. c. 36.
38 & 39 Vict. c. 36.

Special power to Board to expend money for purposes of main drainage and main sewers.
21 & 22 Vict. c. 104.
26 & 27 Vict. c. 68.†
28 & 29 Vict. c. 19.†
18 & 19 Vict. c. 120.

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1881, and the Metropolitan Board of Works (Money) Acts, 1875 to 1880, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1881.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1880.

3—9. [Interpretation of the expressions "*Parks and Open Spaces Acts*," "*Embankment Acts*," and "*Main Drainage Acts*"]—Amendment of ss. 6, 7, and 10 of 43 & 44 Vict. c. 25—Power to the Board to expend money for the purposes of 44 Vict. cc. xviii. and xcii., and for other purposes. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

10. [As to expenses for Fire Brigade purposes till 31st December 1882. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision as to carrying from time to time to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section in 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 3.]

11. [Power to the Board to expend money, up to 31st December 1882, under 40 & 41 Vict. c. ccxxv. and 42 & 43 Vict. c. excviii. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

12. . . . There shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875*) to the consolidated rate out of the local rate, as defined by the Artizans and Labourers Dwellings Improvement Act, 1875,* all moneys required for payment of dividends on and the redemption of the consolidated stock created for the purposes of this section. . . . [Parts omitted (as to power to the Board to spend money, up to 31st December 1882, for purposes of housing schemes, and proviso that the moneys to be raised and the stock to be created under this section shall only be raised and created in such amounts and at such times as the Board shall actually require and the Treasury approve for the purposes of such schemes) rep. 61 & 62 Vict. c. 22 (S.L.R.).]

13. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised in pursuance of this section, and all stock created under the authority of this section shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [Part omitted (as to power to the Board to spend money for purposes of main drainage and main sewers) rep. 61 & 62 Vict. c. 22 (S.L.R.).]

14. [Power to the Board to pay all expenses up to 31st December

* Rep. and replaced by the Housing of the Working Classes Act 1890.

† Rep. 32 & 33 Vict. c. 102, s. 50.

1882, incidental to any inquiry with respect to markets for the sale of food within the metropolis. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

15. [Power to the Board to lend to vestries or district boards until 31st December 1882. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding as to loans for widening streets or for bridges and purchase of lands 60 years, and for other purposes 30 years; and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 4.]

16. [Power to the Board to lend to guardians until 31st December 1882. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury, not exceeding 30 years, and as to carrying to the Consolidated Loans Fund such sums as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.]

17. [Extension of amount which the Board may lend to the Managers of the Metropolitan Asylum District. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

18. [Power to the Board to lend money to the School Board of London up to 31st December 1882. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a period to be approved by the Treasury not exceeding 50 years. Superseded by 2 Edw. 7, c. 42, sch. 2; and 3 Edw. 7, c. 24.]

19. [Power to the Board to lend to corporations, burial boards, etc., until 31st December 1882.—Provision for repayment within a time to be approved by the Treasury, not exceeding as to loans for widening of streets or bridges and purchase of lands 60 years, and for other purposes 30 years; and in the case of a loan for not exceeding 30 years requiring the Board from time to time to carry to the Consolidated Loans Fund such sum as the Treasury approve as sufficient to redeem the stock created for the purposes of this section within the period of the loan. Identical with such provision in 38 & 39 Vict. c. 65, s. 6.]

20—30. [As to metropolitan bills. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

31. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

Repayments
to be carried
to Consoli-
dated Loans
Fund.

32. [Limitation of borrowing powers of the Board. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

33. . . . The Board shall cause copies of the minutes of all proceedings of the Board, with the names of the members who attend each meeting, to be from time to time printed, and to be filed and kept under their direction at the principal office of the Board, and a copy of such minutes so printed and filed shall be signed by the members present, or any two of them, and all matters contained in any such copy so printed and filed, purporting to be so signed as aforesaid, shall be received as evidence without proof of any meeting of the Board having been duly convened or held, or of the presence at any such meeting of the persons named in any such printed copy

Minutes of
proceedings
of Board to
be printed.

as being present thereat, or of such persons being members of the Board, or of the signature of any person by whom any such copy purports to be signed, all which matters shall be presumed until the contrary be proved: and the copies of the minutes so printed, filed, and signed as aforesaid shall be in substitution for the entries of the proceedings of the Board, after the passing of this Act, required to be made, and for the books containing the same required to be kept under the direction of the Board by section sixty of the Metropolis Management Act, 1855, and all the provisions of the said Act referring or relating to such books as aforesaid shall, as to the minutes of proceedings of the Board after the passing of this Act, refer and relate to the said copies of the minutes so printed, filed, and signed as aforesaid, as though they were the books by the said section sixty required to be kept. [*Words omitted ("From and after the passing of this Act") rep. 61 & 62 Vict. c. 22 (S.L.R.). See also 56 & 57 Vict. c. cexxi. s. 10.*]

34. [*Amendment of s. 15 of 38 & 39 Vict. c. 65. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

FIRST SCHEDULE. [*Particulars of new money powers conferred by this Act. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

SECOND SCHEDULE. [*List of Parks and Open Spaces Acts and Embankment Acts referred to in s. 3. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

CHAPTER XVIII.

* AN ACT TO CONFIRM A SCHEME UNDER THE METROPOLITAN COMMONS ACT, 1866, AND THE METROPOLITAN COMMONS AMENDMENT ACT, 1869, RELATING TO BROOK GREEN, EEL BROOK COMMON, PARSON'S GREEN, AND ANOTHER PIECE OF WASTE LAND ADJOINING THE KING'S ROAD. [3rd June 1881.]

[*Preamble recites that the Inclosure Commissioners for England and Wales† have, in pursuance of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, duly certified a Scheme for the establishment of local management with respect to Brook Green, situate in the parish of Hammersmith, in the county of Middlesex,‡ Eel Brook Common, Parson's Green, and a narrow piece of waste land adjoining the King's Road, all in the parish of Fulham, also in the county of Middlesex.*]‡

Scheme as to
Brook Green,
Eel Brook
Common,
Parson's
Green, etc.
certified by
Inclosure
Commis-
sioners con-
firmed.

1. The Scheme for the establishment of local management with respect to Brook Green, situate in the parish of Hammersmith, in the county of Middlesex,‡ and Eel Brook Common, Parson's Green, and a narrow piece of waste land adjoining the King's Road, all in the parish of Fulham, also in the county of Middlesex,‡ certified by the Inclosure Commissioners for England and Wales,† under their seal, on the sixteenth day of December one thousand eight hundred and eighty, and contained in the Schedule hereunto annexed, is hereby confirmed, and from and after the passing of this Act shall be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

* As to Brook Green, see also 50 & 51 Vict. c. evi. s. 31.

† Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

‡ Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

2. This Act may be cited for all purposes as the Metropolitan Commons Supplemental Act, 1881. Short title.

SCHEDULE.

THE METROPOLITAN COMMONS ACT, 1866 AND 1869.

SCHEME with respect to BROOK GREEN, EEL BROOK COMMON, PARSON'S GREEN, and a narrow piece of waste land adjoining the King's Road.

[*Preamble to the Scheme recites that an action is pending in the Chancery Division between William Henry Lammie and others suing for themselves and other persons entitled to rights of common and customary rights of recreation over certain commons or waste lands in the manor of Fulham, and the Metropolitan Board of Works* (herein-after referred to as the Board) as plaintiffs against the Ecclesiastical Commissioners for England, Alexander Forbes Tweedie and John Hayes, as defendants claiming to establish such rights respectively, and an injunction to prevent inclosure of the said commons or waste lands; and that by the Metropolitan District Railway Act 1878 (s. 22) the Railway Company in consideration of being allowed to take without payment part of Eel Brook Common, coloured red and yellow on the plan in that Act referred to, were required to lay into the common lands coloured blue on the said plan; and recites that by an agreement of the 8th July 1880, made between the Ecclesiastical Commissioners, Alexander Forbes Tweedie and John Hayes, the Board, and the said William Henry Lammie and others, it was provided (inter alia):*

- (1) *That the said Commissioners as lords of the manor of Fulham should sell and the Board should purchase for £5,000 all the rights, estates, and interests of the Commissioners in the lands known as Eel Brook Common, Parson's Green, and Brook Green, coloured green on the plan annexed to the said agreement, including in Eel Brook Common the land to be laid into the same by the Railway Company, but not including a portion of Brook Green Common containing about 2 roods 13 perches marked A on the said plan and appropriated by the said Commissioners as a site for a church, and subject as to Eel Brook Common to the rights of the Railway Company under the recited Act; and that the said Alexander Forbes Tweedie and John Hayes should sell to the Board all their estate, right, and interest in a portion of a narrow piece of unenclosed waste by the side of the King's Road, and lying between Eel Brook Common and Parson's Green, and coloured red on the said plan, but which portion did not include two strips of land, 40 feet wide respectively, running across the said portion and cross-hatched on the said plan, and intended to be formed into roads as hereinafter mentioned.*
- (2) *That the said Commissioners should sell all their estate and interest in the said two strips, 40 feet wide, to the said Alexander Forbes Tweedie and John Hayes for £800, and that the said Alexander Forbes Tweedie and John Hayes should within 12 calendar months form roads thereon.*
- (3) *That the Board should endeavour to procure the preparation and settlement of a scheme by the Inclosure Commissioners under the Metropolitan Commons Act, 1866, with respect to the lands thereby agreed to be conveyed to them, and to get such scheme confirmed by Parliament.*
- (4) *That the pending action should be stayed.*
- (5) *That if a scheme should be settled and confirmed in the sessions 1880 or 1881 the Board should take steps to have the action dismissed.*
- (6) *That upon the scheme being confirmed the Board should pay the Commissioners £5,000 for a conveyance of their said estates and interests.*
- (7) *That the agreement was subject to such rights of common or other customary or commonable rights, rights of way and other existing easements as persons other than the Commissioners might have over the said commons or waste lands.*
- (12) *That if the scheme should not be settled and confirmed as aforesaid the agreement should be void and the action revived.*

(14) *That the Board should prepare and bear the cost of the conveyance to them. And the said preamble further recites that by the Metropolitan District Railway Act 1880 the land coloured red and yellow on the plan referred to in the Company's recited Act of 1878 was vested in the Company in fee simple, and the land coloured blue on the said plan was declared to be part of Eel Brook Common; and recites that the commons or waste lands agreed to be sold to the Board by the recited agree-*

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (5).

ment of 8th July 1880 are delineated in a plan deposited with the Inclosure Commissioners* and therein coloured green, red, and blue, the portions coloured green and cross-hatched on the said plan being the lands vested in the Railway Company by the said Act of 1880, and the land coloured blue the land added to the Eel Brook Common in substitution thereof.]

1. From and after the completion of the said purchase by the Board (of which completion a certificate signed by the Chairman of the Board and the Secretary of the Ecclesiastical Commissioners for the time being shall be conclusive evidence) the commons or waste lands delineated in the deposited plan and therein coloured green, red, and blue, other than and except such of the parts thereof, so coloured green and red, as are cross-hatched, and the part coloured green which is marked A (which commons or waste lands so coloured green, red, and blue, other than and except as aforesaid, are in this Scheme referred to as "the Commons," shall be and are hereby dedicated to and for the use and recreation of the public as open spaces for ever, and shall for the purposes of this Scheme be regulated and managed by the Board.

2. [Appointment and regulation of officers. Superseded by the Municipal Corporations Act 1882, ss. 19, 20 (see Appendix); and 51 & 52 Vict. c. 41, s. 75. See also 18 & 19 Vict. c. 120, ss. 202 and 203.]

3. The Board may drain, plant, ornament, and improve the Commons as may be necessary, and for the purpose of preserving the turf and grass may enclose by fences, for short periods, such portions as may require rest to revive the same. No house or other building shall be erected on the Commons except such lodges or other buildings as may be necessary for the maintenance or management of the Commons. The Board may from time to time erect on the Commons such lodges and other buildings as may be necessary for the maintenance and management of the Commons, and may form such paths and rides over the same as they may think desirable. [See also 50 & 51 Vict. c. cvi. s. 50; and 58 & 59 Vict. c. cxxvii. s. 45.]

4—5. [As to byelaws. Superseded 53 & 54 Vict. c. cexliii. ss. 14—21; and 61 & 62 Vict. c. cexxi. s. 61.]

6. The Board may set apart any portion or portions of the Commons as they may consider expedient for cricket or other games.

7. The Board shall be at liberty to receive, and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

8. [As to providing purchase money and expenses of executing the Scheme. Spent in part. Remr. superseded 51 & 52 Vict. c. 41, part iv.]

9. [As to penalties. Note on clauses 4 and 5 applies.]

10. No proceeding touching the conviction of any offender under this Scheme nor any order or other matter or thing whatsoever made, done, or transacted in, or relating to, the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.

11—16. [Saving rights in the Commons existing before this Act—Power to Board to purchase the estates of the Ecclesiastical Commissioners, Alexander Forbes Tacedie and John Hogg respectively—Consent of these parties to Scheme—As to rights of common claimed by owners and occupiers of certain ancient messuages, and certain lands and tenements in the manor of Fulham—As to rights claimed by parishioners and inhabitants of Hammersmith and Fulham—Board to make compensation for all estates, interests, etc., in commons affected under this Scheme; compensation to be determined as under Lands Clauses Acts—Board to pay £2,000 to the homage jury of the manor of Fulham on behalf of the commoners of the said manor as compensation for all rights of common over or affecting the commons. Spent.]

17. The Board shall have power to apply at any time for an amended Scheme or for a new Scheme.

18. Printed copies of this Scheme shall at all times be sold at the office of the Board to all persons desiring to buy the same, at a price not exceeding two shillings and sixpence each.

The Inclosure Commissioners for England and Wales pursuant to the provisions of the Metropolitan Commons Acts, 1866 and 1869, hereby certify the above-written Scheme.

In witness whereof they the said Inclosure Commissioners* have caused their official seal to be hereunto affixed, this 16th day of December, one thousand eight hundred and eighty.

L.S.

* Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

CHAPTER LXXXI.

AN ACT FOR ENABLING THE LOCAL BOARD FOR THE DISTRICT OF WEST HAM IN THE COUNTY OF ESSEX TO MAKE CERTAIN ALTERATIONS AND TO MAINTAIN CERTAIN WORKS IN AND UPON THE EMBANKMENT OF THE NORTHERN OUTFALL SEWER VESTED IN THE METROPOLITAN BOARD OF WORKS AND TO ENLARGE AND ADD TO THEIR TOWN HALL AND OFFICES AND FOR GRANTING ADDITIONAL POWERS TO THE SAID LOCAL BOARD AND FOR OTHER PURPOSES. [27th June 1881.]

[Preamble recites (inter alia) 18 & 19 Vict. c. 120, s. 204; and that by 43 & 44 Vict. c. cxxxii. the Local Board for the district of West Ham were authorised to make a new road from the Barking Road to the point of intersection of Manor Road with the northern outfall sewer belonging to the Metropolitan Board of Works, and that it is expedient that provision should be made for constructing a subway through the embankment and the land belonging to the said sewer at and adjacent to the point of intersection of the said sewer and Manor Road; and recites the deposit with the Clerk of the Peace for Essex of plans, sections, and books of reference.]

1. This Act may be cited for all purposes as the West Ham Short title. Local Board Extension of Powers Act 1881.

2. *[Incorporation of the Lands Clauses Acts. Spent.]*

3. In the interpretation of this Act the expressions following shall have the meanings hereby attached to them (that is to say)— Interpretation of terms.

The "Board" shall mean the Metropolitan Board of Works.*

The "Local Board" shall mean the urban sanitary authority for the district aforesaid.†

[Parts omitted (definitions of "the district" and "the parish") do not affect London.]

4. Subject to the provisions of this Act the Local Board may upon the lands and hereditaments and within the limits of deviation and according to the levels shown in the deposited plans sections and books of reference make and maintain the works and improvements and do the things following that is to say Power to widen Manor Road and construct new street.

(A.) Widen Manor Road on either side thereof, such widening to commence at the point of intersection of the said road with the northern outfall sewer and to terminate at Abbey Road.

(B.) Construct a new street commencing at Abbey Road at a point opposite Manor Road aforesaid and terminating at Northam Street at a point opposite Rokeby Street.

Provided always that nothing in this Act contained shall be deemed to authorise the Local Board to make or maintain any works or improvements which may in the opinion of the Board in anywise affect the northern outfall sewer vested in the Board or the bridge or embankment masonry brickwork or other structure appertaining or belonging to the said sewer or the said bridge or any works connected therewith. . . . *[Part omitted (Local Board not to take certain lands) does not affect London.]*

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (s).

† Now the Mayor, Aldermen, and Burgesses of the County Borough of West Ham.

Power to alter
northern
outfall sewer,
etc.

5. The Board upon receiving notice as herein-after provided from the Local Board may proceed within the limits of deviation and according to the levels shown on the deposited plans and sections to alter cut away vary and adapt the northern outfall sewer vested in the Board at and adjacent to the point of intersection of the said sewer and Manor Road and the bridge and the embankment masonry brickwork or other structure and the land appertaining and belonging to the said sewer and to the said bridge in such manner and to such extent as may in the opinion of the Board be necessary for the purpose of forming the proposed subway between the points marked A and B in the plans signed in duplicate by Sir Joseph William Bazalgette on behalf of the Board and by Lewis Angell on behalf of the Local Board and deposited in the principal offices of the Board and of the Local Board respectively and the Board may within the said limits and according to the said levels form the said subway as aforesaid.

Power to
lower part of
Manor Road.

6. The Board upon receiving notice as herein-after provided from the Local Board may proceed within the limits of deviation and according to the levels shown on the deposited plans and sections to lower from its present level so much of Manor Road as is situate between the points marked C, D, E and F on the said plans signed in duplicate by Sir Joseph William Bazalgette on behalf of the Board and by Lewis Angell on behalf of the Local Board and deposited in the principal offices of the Board and of the Local Board respectively so as to give a headway of 16 feet under the said bridge and the Board may within the said limits and according to the said levels form sewer metal and complete as a carriageway so much of the said Manor Road as is situate between the said points and may execute such works as may be necessary for supporting strengthening and maintaining the said embankment and bridge and the foundations thereof and the works connected therewith. And the Local Board shall construct a sewer in the proposed new road immediately adjacent to the lowered roadway under the bridge of sufficient depth and having an outfall into the existing sewers under the jurisdiction of the said Local Board so as effectually to drain the said lowered roadway.

Board may
shore up
sewer, etc.
during pro-
gress of
works.

7. The Board may at and during such time as the said sewer bridge embankment masonry brickwork or other structure is being altered cut away varied and adapted as aforesaid shore up or otherwise support in an efficient manner the said sewer and bridge and the embankment appertaining and belonging thereto at such point or points as may in the opinion of the Board be necessary for the proper and effectual support of the said sewer the said bridge and the said embankment during the progress of the works by this Act authorised to be made and executed.

Board to
erect per-
manent sup-
port for
sewer, etc.

8. The Board shall while the said sewer the said bridge and the said embankment masonry brickwork or other structure and the said land is being altered cut away varied and adapted as aforesaid erect and construct such works at such point or points as may in their opinion be necessary for the permanent and effectual support of the said sewer the said bridge and the said embankment and shall from time to time maintain alter and repair such works in such manner as they may think proper for such support as aforesaid.

Notice by
Local Board

9. When the Local Board desire that the Board should execute the works which they are by this Act authorised to execute upon

receiving notice to that effect from the Local Board the Local Board may serve a notice upon the Board at their principal office in the metropolis requiring the Board to execute the works authorised by this Act to be executed by the Board and the Board shall within six months after the receipt of such notice commence and thereafter with due diligence continue and complete the execution of the said works in accordance with the provisions of this Act. And the Local Board may from time to time and so often as the said works or any works in connection therewith or executed by the Board in pursuance of this Act shall in the opinion of the engineer to the Local Board require to be repaired serve notice of such fact upon the Board at their principal office in the metropolis and the Board shall as soon as may be thereafter commence and with due diligence continue and complete such repairs in or to the same as may in the opinion of the Board be necessary and proper.

for execution and repair of work.

10. In the event of any injury being occasioned to the said sewer or the said bridge or the said embankment or to the masonry brickwork or structure thereof or to any works connected therewith or to any works executed by the Board in pursuance of this Act or to any part or parts thereof by the construction of any of the works by this Act authorised to be executed by the Board (whether such injury occurs either during or after the construction or in effecting the maintenance alteration or repair of any such works or in or by the enjoyment or user thereof) the Board may restore the said sewer the said bridge or the said embankment or the masonry brickwork or structure thereof or the works connected therewith or the works so executed by them in pursuance of this Act or the part or parts thereof which may be injured in such manner and to such extent as the Board may think necessary or expedient for such purposes and to obviate the recurrence of any such injury as aforesaid.

Power to restore works in event of injury.

11. The Board may for the purpose of executing any works under the authority of this Act from time to time enter upon and use any road or lands belonging or reputed to belong to the Local Board and may during the execution of such works stop the traffic on the said roads or lands for such time or times as may in the opinion of the Board be necessary.

Power to enter upon lands of Local Board.

12. The engineer to the Board or any other person from time to time appointed by the Board may from time to time inspect any works buildings or premises subject to the control of the Local Board which in the opinion of the engineer to the Board are in anywise affecting or likely to affect the said sewer the said bridge or the said embankment or the masonry brickwork or structure thereof or any works connected therewith or any works executed by the Board in pursuance of this Act or any part or parts thereof and for that purpose may at all reasonable times in the daytime after forty-eight hours' notice in writing has been given to the Local Board or in case of emergency without notice enter himself or with workmen upon any lands of the Local Board and in to or upon any such lands works buildings or premises and may cause the soil of such lands to be dug into and opened and the woodwork brickwork masonry or structure of such works buildings or premises to be cut into wherever such engineer or person thinks fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the engineer or such person or workmen in

Power to inspect works.

the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds to be recovered in a summary manner before two Justices by the Board.

Costs of
works to be
paid by Local
Board.

13. The amount of all costs and expenses from time to time incurred by the Board in the execution by them of any works in pursuance of this Act and in the maintenance alteration or repair of the same and the expenses of any inspection made by them in pursuance of this Act including therein a proportion of the expense of the officers on the permanent staff of the Board shall from time to time be ascertained and certified by the engineer to the Board and the Local Board shall from time to time within one month after the same shall have been so ascertained and certified as aforesaid and notice thereof in writing has been forwarded by the Board to them at their office pay such amount so ascertained and certified as aforesaid to the Board and in default of such payment the Board may from time to time recover from the Local Board the several amounts of all such costs and expenses so ascertained and certified as aforesaid together with full costs and charges by all and the same means as any simple contract debt is recoverable.

Local Board
to repay
money paid
by Board on
account of
damages, etc.

14. The Local Board shall be liable to pay and shall pay to the Board any damages penalties costs charges or expenses which the Board may become liable to pay and shall pay in respect of any injury or loss consequent upon the execution by them of any works under the authority of this Act (whether such injury or loss occurs either during or after the construction or in effecting the maintenance alteration or repairing of such works) or in or by the enjoyment or user thereof or the making of any inspection or the doing of any act or thing under the authority of this Act except where such injury or loss arises from any wilful neglect by the Board their officers or servants in or about the executing of such works or the making of such inspection or the doing of such act or thing and all moneys paid by the Board on account of any such damages penalties costs charges or expenses shall be repaid to the Board by the Local Board on demand and in default thereof may be recovered by the Board from the Local Board as any simple contract debt of like amount.

[*The remainder of the Act does not affect London.*]

CHAPTER CXLVIII.

* AN ACT TO ENABLE THE METROPOLITAN BOARD OF WORKS TO ACQUIRE CERTAIN RIGHTS AND INTERESTS IN AND AFFECTING HACKNEY COMMONS. [18th July 1881.]

[*Preamble recites that by 35 & 36 Vict. c. xliii. a certain Scheme certified under the Metropolitan Commons Act 1866 for the establishment of local management with respect to Hackney Commons was duly confirmed and that it was by the said Scheme provided that the said Hackney Commons as therein defined should thenceforth for all the purposes of the said Scheme be regulated and managed by the Metropolitan Board of Works †; and that for the better carrying into effect*

* See also 47 & 48 Vict. c. cxxiii. s. 45.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

the objects of the said Scheme it is expedient that the Metropolitan Board of Works (in this Act referred to as "the Board") should be empowered to acquire certain lands premises estates rights and interests in and affecting the said Commons as herein-after mentioned; and recites the agreement set forth in the schedule and that it is expedient that the same should be confirmed.]*

1. This Act may be cited for all purposes as the Metropolitan Board of Works (Hackney Commons) Act 1881. Short title.

2. The recited agreement so far as the same is set forth in the schedule to this Act annexed (in this Act referred to as the scheduled agreement) is hereby confirmed and made binding on the several parties thereto and the Board are hereby authorised to carry the said agreement in so far as it relates to them into effect and shall have and may exercise all such powers and authorities and do all such acts as may be necessary for such purpose. Confirmation of agreement.

3. [*Expenses of scheduled agreement and of obtaining Act. Spent.*]

SCHEDULE.

[*Heads of an agreement (dated 30th June 1880) proposed to be entered into between William Amhurst Tyssen Amherst Esquire and the trustees of his marriage settlement (therein-after called the Trustees) of the one part and the Metropolitan Board of Works (therein-after called the Board) of the other part with regard to the lands comprised in the Hackney Commons Scheme, providing that (a) the trustees should sell and the Board should purchase:—*

1. *The fee simple subject to the Lammis rights of and in such parts as are not mentioned in subhead 2 of this clause of 28 acres 3 roods and 1 perch or thereabouts in Hackney Downs 10 acres 3 roods and 28 perches or thereabouts in North Mill Field and 6 acres 3 roods and 21 perches or thereabouts in South Mill Field being respectively parts of the Tyssen Amherst estate comprised in the said settlement the contents of the said lands as above stated being those mentioned in the deeds and plans relating thereto but out of the above-mentioned lands in Hackney Downs are to be deducted the lands purchased by the Great Eastern Railway Company for the purposes of their railway but this contract shall comprise all the interest of the vendors in the lands adjoining Downs Park Road purchased by the Great Eastern Railway Company to be added to the Hackney Downs.*
2. *The fee simple of a certain piece of land in Hackney Downs and of another piece of land in North Mill Field forming part of the lands before mentioned and specified in the suit of Attorney-General v. Amherst and being lands enclosed by the lord of the manor (in pursuance of the custom to enclose) shortly before the institution of that suit.*
3. *The fee simple subject only to common rights of and in all the waste lands of the manor of Hackney comprised in the Hackney Common Scheme including Clapton Common and Stoke Newington Common and the waste land in Dalston Lane and Grove Street subject as to one triangular piece of land on the north side of Dalston Lane which was formerly waste of the said manor to a lease for 99 years which has been granted thereof with the exceptions of a small portion of Stoke Newington Common at the north-east corner thereof which was shortly before the institution of the suit of Attorney-General v. Amherst enclosed by the lord of the manor of Hackney under the custom to enclose and certain portions of the last-mentioned Common at the southern corner thereof which have recently been enclosed with the consent of the Board under the custom to enclose but including certain pieces of land not comprised in the Hackney Commons Scheme which have in accordance with the provisions of the precept authorising the last-mentioned enclosure been laid into the Stoke Newington Common.*
4. *All other estates rights and interests in or over the lands comprised in the Hackney Common Scheme which the said William Amhurst Tyssen Amherst or the said trustees can convey (regard being had to the Act passed in the 21st year of the reign of King James I. regulating the customs of the manors of Hackney and Stepney) but not so as to prejudice any rights of the said trustees as owners of property in Hackney in their own right except as herein expressly provided.*

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

(b.) Purchase price should be £33,000.

(c.) The purchase should include :—

1. All rights which the said William Amhurst Tyssen Amherst or the said trustees possess either as lord or lords of the manor or as severalty owners of Lammas lands over the lands hereby contracted to be sold and all rights to and interests in respect of the gravel sand brick earth or other minerals lying under such lands and all rights of inclosing or authorising enclosures of any part of the waste or other lands comprised in the said Hackney Commons Scheme.
2. All his or their rights of common (if any) over the said lands.
3. All his or their rights as lord or lords of the manor to the royalties on brick earth which were reserved on the enfranchisement of certain parts of London Fields and Wells Street Common and all other rights of every kind over any parts of the lands comprised in the said Hackney Commons Scheme which have at any time heretofore been enfranchised.
4. All benefits accruing in respect of the rights of escheat and forfeiture which he or they may possess as lords of the manor in respect of all the lands comprised in the said Hackney Commons Scheme.

The rights mentioned in this present head (c) to be extinguished and determined or at the option of the Board to be kept on foot for their benefit if and so far as circumstances will allow.

Provisions as to title and conveyance and as to the Board obtaining an Act of Parliament enabling them to purchase. Spent.]

CHAPTER CXcII.

AN ACT FOR ENABLING THE METROPOLITAN BOARD OF WORKS TO CONSTRUCT NEW BRIDGES OVER THE THAMES AT PUTNEY AND BATTERSEA WITH APPROACHES THERETO ; TO ALTER AND RE-CONSTRUCT VAUXHALL AND DEPTFORD CREEK BRIDGES ; FOR AMENDING THE METROPOLIS TOLL BRIDGES ACT 1877 ; AND FOR OTHER PURPOSES. [11th August 1881.]

[Preamble recites (inter alia) 40 & 41 Vict. c. xcix. and that the Board have acquired thereunder (amongst others) the existing bridges known as Fulham or Putney Bridge, Battersea Bridge, Vauxhall Bridge, and Deptford Creek Bridge, and that the said Fulham or Putney Bridge and the said Battersea Bridge are in a dangerous condition and unfit for general traffic, and that the said Vauxhall Bridge is so constructed as to be inconvenient to navigation, and that the said Deptford Creek Bridge is unsafe for general traffic, and also recites an agreement of the 4th June 1863 between the Hammersmith Bridge Company and the Brentford Gas Company with respect to lighting certain lamps on the Hammersmith Bridge and the approaches thereto, and to the laying of mains along the said bridge.]

Short title.

1. This Act may be cited as the Metropolitan Bridges Act 1881.

2. *[Incorporation of Lands Clauses Acts. Spent.]*

Interpreta-
tion of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

“The Board” shall mean the Metropolitan Board of Works* ;

“The improvements” shall mean the bridges approaches roads and works by this Act authorised ;

“Deptford Creek Bridge Act” shall mean the Act passed in the forty-third year of King George III. intituled “An Act for building a bridge over the River Ravensbourne at or near its

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

mouth or outlet into the River Thames in the county of Kent and for making and maintaining proper approaches thereto ;”

“Road authority” and the term “district” in relation to a road authority shall have respectively the same meanings as are assigned to the same terms respectively in the Tramways Act 1870 ; * 33 & 34 Vict. c. 78.

“The conservators” means the Conservators of the River Thames ;

For the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

[*Parts omitted (definition of “Justice” and as to meanings of words in the Lands Clauses Acts incorporated) spent.*]

4—5. [Board to execute Act and may appoint Committee therefor. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.]

6. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make and maintain except as herein-after expressly provided the following bridges approach roads and works namely :— Board may make bridges approach roads and works.

(1.) A new bridge across the River Thames (herein-after referred to as “New Putney Bridge”) commencing in the parish of Putney and county of Surrey † at or immediately to the west of the brick pier of the aqueduct carrying over the River Thames the pipes of the Chelsea Waterworks Company on the Surrey shore of the River Thames in that parish and terminating in the parish of Fulham and county of Middlesex † at or immediately to the west of the brick pier of the said aqueduct on the Middlesex shore of the River Thames in that parish ;

And in connexion with New Putney Bridge the following approach roads thereto namely :—

In the county of Surrey † and parish of Putney.

(a.) An approach road (herein-after referred to as the “High Street approach road”) commencing in High Street about twenty-five yards south of the junction of Albert Row or Place therewith and terminating at the commencement of the New Putney Bridge herein-before described ; and

(b.) An approach road (herein-after referred to as the “Windsor Street approach road”) commencing in Windsor Street at a point about thirty yards east of the junction therewith of River Street and terminating by a junction with the “High Street approach road” at or near the commencement of the said New Putney Bridge herein-before described ; and

In the county of Middlesex † in the parish of Fulham :—

(c.) An approach road commencing at or near the point where High Street Church Street and Bridge Street

* See Appendix.

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

meet and terminating at the termination of the said New Putney Bridge herein-before described ;

- * (2.) A new bridge across the River Thames (herein-after referred to as "New Battersea Bridge") to be situate partly on the same site as and partly on the eastern side of and immediately adjacent to the existing bridge known as Battersea Bridge and commencing in the parish of St. Mary Battersea in the county of Surrey † at or near the "Swan" public-house on the east side of Bridge Road and terminating at or near the wall of the Chelsea Embankment at the point where it joins the existing Battersea Bridge in the parish of St. Luke Chelsea in the county of Middlesex † ;

And in connexion with New Battersea Bridge the following approach roads thereto namely :—

In the county of Surrey † and parish of St. Mary Battersea :—

- (d.) An approach road adjacent to and on the east side of Bridge Road commencing by a junction with Bridge Road about thirty yards south of Wellington Lane and terminating at the commencement of New Battersea Bridge ;

In the county of Middlesex † and parish of St. Luke Chelsea :

- (e.) An approach road formed in part by altering the level of Beaufort Street from a point about forty yards north of the junction therewith of Lindsey Row and in part by continuing Beaufort Street partly over the site of the approach to the existing Battersea Bridge and partly over the Chelsea Embankment up to and terminating at the termination of New Battersea Bridge ; and

- (f.) An approach road formed by altering the level of the roadway and footway of the said Chelsea Embankment from a point eighty yards or thereabouts east of Beaufort Street to and terminating in the approach road (e) lastly herein-before described at or near the termination of New Battersea Bridge ; and

- (g.) An approach road formed by altering the level of Lindsey Row commencing about eighty yards west of Beaufort Street and terminating in the approach road (e) herein-before described where Lindsey Row joins Beaufort Street.

- (3.) [*Alteration of Vauxhall Bridge. Spent. See 58 & 59 Vict. c. cxxix.*]

- (4.) The reconstruction in whole or in part and the widening and altering of the existing swing bridge in the county of Kent † which crosses Deptford Creek partly in the parish of St. Alphage Greenwich and partly in the parish of St. Nicholas Deptford and connects Bridge Street in the said parish of St. Alphage Greenwich with Creek Road in the said parish of St. Nicholas Deptford and herein-after referred to as "Deptford Creek Bridge ;"

And the Board may make and maintain in connexion with the bridges approach roads and works herein-before described all such viaducts embankments piers wharves walls fences drains stairs

* See also 47 & 48 Vict. c. ccxxviii.

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

buildings and all such works and conveniences as they may deem proper. And for the purposes aforesaid or any of them the Board may subject to the provisions of this Act alter and interfere with the banks bed soil and foreshore of the River Thames and may make dams and drive such piles in the bed of the said river and may erect such temporary staging in upon or over the said river and Deptford Creek as may be necessary or convenient and may do and execute every other work and thing necessary or convenient for any of the purposes aforesaid.

7. [*Power to the Board to acquire part of the churchyard of St. Mary, Putney. Spent.*]

8—14. [*Power to Board to deviate, to stop up carriageways and to stop traffic over bridges during works, to make subsidiary works, to alter gas, water, and other pipes, and to provide substitutes for any barge beds and draw docks interfered with. Spent.*]

15. The Board may from time to time make such regulations with respect to the navigation of the River Thames or Deptford Creek at and near all places in the said river and creek at or near which the Board is about to carry or is carrying, into execution the powers by this Act conferred upon them with respect to the erection alteration and reconstruction strengthening or widening of the bridges and works connected therewith and the removal of existing bridges as they may think necessary or expedient. Provided always that no such regulation shall be of any force or effect unless and until the same has been approved by the Conservators.

Board may regulate navigation near works in river and Deptford Creek.

16. [*Board may underpin walls near works. Spent.*]

17. The Board may lay out such parts of the bridges and approach roads by this Act authorised to be made altered extended reconstructed or widened for carriage roads and such parts thereof for footways as they may think proper and may sewer level pave metal flag channel and complete such roads and ways and such bridges when made altered extended or reconstructed and laid out as aforesaid and the roads and footways over the same shall be public highways but shall not be or become county bridges and shall be maintained and repaired by the Board and the said approach roads shall be public highways and shall be maintained and repaired and lighted as other public highways by the road authorities of the districts in which the same shall be situate respectively. Provided always that the Board may execute all such works and do all such acts in under or upon the approach roads to such bridges respectively as they may think proper for preserving and improving such bridges and the works connected therewith and the stability thereof and may for such purpose enter upon break and open the soil and pavement of such approach roads and any sewers drains or tunnels within or under such approach roads causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said roads and sewers drains or tunnels to the same condition as they were in before such breaking and opening. [See 58 & 59 Vict. c. cxxvii. s. 46.]

Making, maintenance, repair and lighting of carriage roads and footways of bridges, etc.

18. [*Provisions dealing with the carrying of gas mains during the alteration of Vauxhall Bridge. Spent.*]

19. The Board shall so effect the alteration of Vauxhall Bridge that under each of the footways of Vauxhall Bridge when altered as

space under footways of

Vauxhall and
New Batter-
sea Bridges.

by this Act provided there shall be for the accommodation of any corporation company or person authorised by Act of Parliament to utilise any bridge being a public highway within the limits of such Act for the purposes of such Act a space not less in area than five hundred and fifteen square inches internal capacity and the Board shall so construct New Battersea Bridge that under each of the footways there shall be for the purposes aforesaid a space not less in area than one hundred and forty square inches internal capacity Provided always that the Board shall not exact any rent or other valuable consideration from any such corporation company or person in respect of the use of such space. [*Spent as regards Vauxhall Bridge. See 58 & 59 Vict. c. cxxix.*]

20. [*As to the opening or removing by the Greenwich Board of Works of the drawbridge of the reconstructed Deptford Creek Bridge for the passage of ships. Rep. 49 & 50 Vict. c. cxii. s. 39.*]

21—22. [*Temporary works on the Thames to be executed under the direction of the Conservators—Provisions as to the number, height, and span of the arches of New Putney and Battersea Bridges. Spent.*]

Lights to be
exhibited on
bridges and
works.

23. During the construction of the new bridges and the alterations reconstruction widening and improving of existing bridges and the taking down and removing of the existing Putney Bridge and Battersea Bridge and of the aqueduct or structure carrying the pipes of the Chelsea Waterworks Company over the Thames authorised by this Act and of the works connected therewith the Board shall hang out or exhibit thereat or near thereto and for ever after the completion of the said bridges the Board shall hang out or exhibit upon such bridges respectively every night from sunset to sunrise lights to be kept burning by and at the expense of the Board and proper and sufficient for the navigation and safe guidance of vessels and the lights shall be from time to time altered by the Board in such manner and be of such kind and number and be so placed as the Conservators shall by writing under the hand of their secretary approve and in case the Board neglect to exhibit and keep such lights burning as aforesaid they shall forfeit and pay for every such offence the sum of ten pounds.

Level of
foundations.

24. The foundations of the piers and abutments of the New Putney Bridge and the New Battersea Bridge respectively shall be constructed and maintained at such a level as to allow the bed of the river around and near such piers and abutments to be dredged to a depth of 35 feet at the least below the level of Trinity high-water mark.

Protection of
Chelsea
Waterworks
Company, etc.

25. For the protection of the Governor and Company of Chelsea Waterworks* (herein-after referred to as "the Chelsea Waterworks Company") and with reference to the removal of the aqueduct of that Company over the river Thames be it enacted as follows (that is to say):—

1. [*Board before commencing works to construct a temporary iron structure on lines shown on a plan signed by the Chairman of the Committee of the House of Commons to whom the Bill for the Act was referred, and copies whereof are deposited in Parliament, with two mains thereon each of 24 inches internal diameter, and two mains each of 12 inches internal diameter with all proper junctions, stopcocks, and conveniences. Spent.*]

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

2—3. [*Provisions as to the said temporary structure. Spent.*]

4. The Board shall provide and lay down along or under the footways of New Putney Bridge mains or pipes of the same number and diameter respectively as the mains or pipes which are to be laid down by the Board in or on the said temporary structure as aforesaid and in addition thereto the Board shall provide and leave under the footways of New Putney Bridge sufficient room or space for the Chelsea Waterworks Company* at any time or times hereafter to lay down therein two but not more than two additional mains or pipes of an internal diameter not exceeding 24 inches each ;

5. [*Mains, etc., to be of the best description, and approved by the Company. Spent.*]

6. All the mains pipes stop-cocks drain pipes drain cocks and other conveniences which shall be laid down in New Putney Bridge and the approaches thereto pursuant to this agreement shall become and be the property of the Chelsea Waterworks Company* ;

7. [*As to maintenance of such mains, pipes, etc., by the Board till the mains on the new bridge are used by the Company. Spent.*]

8. The Chelsea Waterworks Company* shall at all times have all such rights over the footways of New Putney Bridge and over the approaches to New Putney Bridge (whether such footways and approaches shall be dedicated to public use or not) in order to do all acts which may be by such Company deemed requisite for maintaining keeping in repair and renewing the several mains to be laid therein or thereunder as aforesaid and for the laying down maintaining repairing and renewing by the Chelsea Waterworks Company* of any additional main or pipe mains or pipes as they would have been entitled to if the provisions in the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes had been incorporated with this Act and the Chelsea Waterworks Company* had been declared by this Act to be "the undertakers" within the meaning and provisions and for the purposes of the said Waterworks Clauses Act 1847 :

10 & 11 Vict.
c. 17.

9. The Board shall fully compensate the Chelsea Waterworks Company* in respect of all damage and loss to be from time to time sustained by them by reason or in consequence of any interruption at any time occasioned to the water supply of the Chelsea Waterworks Company* through any main pipe or conduit of that Company by reason or in consequence of the construction or through the default of any of the works by this Act authorised. . . . And if the Board shall fail to pay to the Chelsea Waterworks Company* that compensation on demand the same may be recovered with full costs of action by the Chelsea Waterworks Company* by proceeding in any court of competent jurisdiction : [*Part omitted (Board to compensate the Company for any loss by reason of temporary diversion of their water supply) spent.*]

10. [*Pipes, mains, etc., removed to belong to the Board. Spent.*]

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

11. The Board shall before taking down or removing any part of or in any way interfering with the present aqueduct of the Chelsea Waterworks Company* provide to the satisfaction of the engineer of the said Company and shall for ever after maintain at the points D and G on the plan aforesaid sufficient outlets communicating with the river Thames with all necessary drain pipes drain cocks tanks and other works and conveniences for the purpose of enabling the mains and pipes of the said Company on each side of the said river to be from time to time and when and as the said Company think fit emptied and drained into the said river such drain pipes when communicating with a main or pipe of the company of 12 inches diameter to be 5 inches in diameter and when communicating with a main or pipe of the Company of greater diameter than 12 inches to be 7 inches in diameter and the said Company shall at all times thereafter have free access to and the free and unrestricted right to use the said outlets for that purpose: Provided that if from any cause beyond the control of the Board it shall be found impossible to construct such outlets or the access to or user of the same by the said Company shall be in any way interfered with or restricted or their right to use the same shall be disputed or challenged the Board shall forthwith make to the satisfaction of the engineer to the said Company all such communications with and openings into the sewers of the Board on each side of the said river as will enable the mains and pipes of the said Company to be from time to time and when and as the said Company think fit emptied and drained into the said sewers, and shall for ever thereafter permit the said mains and pipes to be emptied and drained into the said sewers accordingly;

12. Nothing in this section shall limit prejudice or affect the right of the Chelsea Waterworks Company* to compensation in respect of any matter not otherwise expressly provided for by this section or in respect of any lands or houses belonging to the said Company which may be taken or acquired by the Board or may be injuriously affected by the execution of the works by this Act authorised;

13. Save as in this Act otherwise expressly provided nothing in this Act shall diminish limit prejudice or affect any of the rights or privileges of the Chelsea Waterworks Company.*

26. The Board and the Chelsea Waterworks Company* may from time to time enter into and make such contracts or agreements as they may think fit with respect to all or any of the matters following (that is to say):—

The maintenance and repair of the conduit or pipes to be constructed by the Board on over or along New Putney Bridge.
[*Part omitted (as to removal of existing aqueduct) spent*].

27. [*Power to the Board on completion of New Putney Bridge to stop up parts of the towing path and of certain roads in Fulham and Putney. Spent.*]

28. [*As to the removal of the existing Putney and Battersea Bridges. Spent.*]

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

29. Notwithstanding anything in any Act to the contrary it shall not except as by this Act expressly provided be lawful for any corporation company or person to enter upon break up or interfere with New Putney Bridge or the roads and footways over the same respectively for the purpose of laying down any main or pipe or executing any work therein thereon or thereunder except with the consent of the Board in writing and in accordance with such terms and conditions not being the exaction of any rent or other valuable consideration as the Board may determine. Provided that nothing in this section contained shall alter or affect any of the provisions of the Telegraph Act 1878.

No main or pipe to be laid on New Putney Bridge except with consent of Board

30. [*Power to the Board to dredge and deepen the Thames for the alteration of Vauxhall Bridge. Spent.*]

31. [*The Board, notwithstanding 43 Geo. 3, c. cxxxi., and 40 & 41 Vict. c. xcix., need not provide a ferry during the reconstruction of Deptford Creek Bridge. Spent.*]

32—42. [*Period for completion of improvements limited to 6 years—Provisions as to acquisition of lands—Errors and omissions in plans—Power to the Board to enter and survey lands to be taken—As to rehousing of labouring class persons—Power to the Board to sell materials. Spent.*]

43—45. [*Powers to the Board to grant building leases of surplus land—As to sale of ground rents and reversions thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. cexxxvii. s. 23; see *ibid.* ss. 19—22.*]

46. The Board may from time to time let either from year to year or for a term at rack-rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under this Act and not required to be laid into and to form part of the improvements or any of them and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

Board may let etc. lands.

47. [*Board within such period as they think fit after the completion of the improvements to sell surplus lands. Superseded 47 & 48 Vict. c. 50, s. 23.*]

48. The receipt of the Board for any purchase moneys rents or profits or other money payable to the Board by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or nonapplication of the money in such receipt expressed or acknowledged to be received.

Receipts of Board to be effectual discharges.

49. [*Period for compulsory purchase of lands limited to 5 years. Spent.*]

50. The Metropolitan Toll Bridges Act 1877 shall in so far as it relates to Hammersmith Suspension Bridge and the approach roads thereto be read as if the roads following (that is to say):—

Approach roads to Hammersmith Bridge.

- (a.) The road in the parish of Hammersmith in the county of Middlesex * called Bridge Road leading from the north end of the Hammersmith Bridge to Hammersmith Broadway;
- (b.) The road in the parish of Barnes in the county of Surrey from the south end of the said bridge to and across Barnes

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

Common to the point where it joins the road leading from London to Richmond ;

- (c.) The road in the said parish of Barnes aforesaid and in the parish of Putney in the said county of Surrey or one of them now known as Lonsdale Road leading from the last-mentioned road to the village of Barnes at the junction of the said Lonsdale Road with the towing-path on the bank of the River Thames ;

had been therein expressly defined to be approach roads to the said bridge and part of the undertaking of the Hammersmith Bridge Company and the said Act shall as from the passing of the same be construed accordingly. And as from and after the transfer to and vesting in the Board of the undertaking of the said Hammersmith Bridge Company under and by virtue of the said Act the said roads shall be public highways and shall be maintainable and repairable and shall be lighted as other public highways in the district in which the same are situate respectively and as from and after such transfer and vesting the Hammersmith Bridge Company shall cease to have or exercise any estate right title powers authorities or privileges in over or affecting the said roads or any of them and shall be absolutely free and discharged from any obligation or liability whatsoever to repair maintain or light the said roads or any of them.

Agreement as to lighting of Hammersmith Bridge to be binding upon Board.

51. The said agreement between the Hammersmith Bridge Company and the Brentford Gas Company bearing date the fourth day of June eighteen hundred and sixty-three so far as it relates to lighting certain lamps on the Hammersmith Bridge and the approaches thereto but not further or otherwise in force immediately before the transfer to and vesting in the Board of the undertaking of the Hammersmith Bridge Company shall as from and after such transfer and vesting be as binding and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually against or by the Board as if the Board were the said Hammersmith Bridge Company and such transfer and vesting had not taken place and the Metropolitan Toll Bridges Act 1877 had not been passed and the said Hammersmith Bridge Company as from such transfer and vesting are hereby absolutely freed and discharged from any obligation or liability whatsoever under the said agreement.

Provided always that nothing herein contained shall prevent the Board and the said Brentford Gas Company by agreement varying or determining the said agreement of the fourth day of June eighteen hundred and sixty-three or making a new agreement in lieu thereof or by way of addition thereto.

52. [*Saving the rights of the Commissioners of Works.*]

53. [*Saving the rights of the Crown.*]

54—55. [*As to interference with the bed of the river and taking of gravel therefrom. Spent.*]

56. [*Saving the rights of the Thames Conservators.*]

Protection of Earl Cadogan and Hans Sloane Stanley.

57. Notwithstanding anything in this Act contained it shall not be lawful for the Board to use or permit to be used any lands taken by them which are comprised in the family settlement of the Right Honourable George Henry Earl Cadogan or in the family settlement of Hans Sloane Stanley for the purpose of erecting thereon any manufactory warehouse or model lodging-house or any buildings of

a similar character and every lease to be granted or conveyance made by the Board shall contain proper clauses prohibiting the respective lessees and grantees from infringing the aforesaid provisions.

58. [*Expenses of obtaining Act. Spent.*]

45 & 46 VICTORIA. A.D. 1882.

CHAPTER 33.

AN ACT FURTHER TO AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES. [10th August 1882.]

[*Preamble rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

1. This Act may be cited as the Metropolitan Board of Works Short title. (Money) Act, 1882, and the Metropolitan Board of Works (Money) Acts, 1875 to 1881, and this Act, may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1882.

2. This Act shall be read and have effect as one with the Construction of Act. Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1881.

3—10. [*Interpretation of the expressions "Parks and Open Spaces Acts," "Embankment Acts," and "Main Drainage Acts"—Amendment of ss. 7, 9 (e), 10, and 13 of 44 & 45 Vict. c. 48—Power to the Board to contribute to improvements at Hyde Park Corner, and to expend moneys for sundry purposes. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

11. . . . All the provisions of the Main Drainage Acts and the Special power to expend money for purposes of main drainage and main sewers. Metropolis Management Act, 1855, and the Acts altering or amending the same, for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section; and all stock created under the authority of this Act, for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [*Part omitted (as to power to expend money for purposes of main drainage and main sewers) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

12. [*Power to the Board to pay all expenses incidental to any inquiry with respect to markets for the sale of food within the metropolis. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

13. [*Power to the Board to lend to vestries and district boards till 31st December 1883. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury, not exceeding as to loans for widening streets or for bridges and purchase of lands 60 years, and for other purposes 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 4.*]

14. [*Power to the Board to lend to guardians till 31st December 1883. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.*]

15. [*Extension of amount which the Board may lend to the Managers of the Metropolitan Asylum District. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

16. [*Power to the Board to lend till 31st December 1883 to the School Board for London. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 50 years. Superseded by 2 Edw. 7, c. 42, s. 5 and 2nd Schedule; and 3 Edw. 7, c. 24, s. 1.*]

Power to raise
consolidated
stock.

17. Where the Board under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within thirty years from the date of such loan, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any lesser period for which the same may be made, an amount of consolidated stock equal to that so created; and

Where the Board are by this Act authorised to make a loan repayable within thirty years from the date of the loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payment of the dividends on consolidated stock; and

Where the Board raise consolidated stock for the purpose of any scheme made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875,* and confirmed by Provisional Order and Act of Parliament, there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875,*) to the consolidated rate out of the local rate as defined by the said last-mentioned Act, all moneys required for payment of dividends on and the redemption of all consolidated stock created for such purpose.

[*Part omitted (as to power to the Board to create consolidated stock to raise money for the purposes of this Act) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

18—26. [*Provisions as to metropolitan bills. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Repayments
to be carried
to Consoli-
dated Loans
Fund.

27. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

28. [*Borrowing powers. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

FIRST SCHEDULE. [*Particulars of new money powers conferred by this Act. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

SECOND SCHEDULE. [*List of Parks and Open Spaces Acts and Embankment Acts referred to in s. 3. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

* Rep. and replaced by the Housing of the Working Classes Act 1890.

CHAPTER LVI.

AN ACT TO CONFER VARIOUS POWERS ON THE METROPOLITAN BOARD
OF WORKS AND TO AMEND CERTAIN ACTS RELATING TO THAT
BOARD. [19th June 1882.]

[*Preamble recites that by an agreement of the 11th November 1881, set forth in the first part of the schedule to the Act, the churchwardens and overseers of St. Giles's, Camberwell (who and whose successors are in the said agreement and herein-after referred to as "the churchwardens and overseers") and the vestry of St. Giles's, Camberwell (in the said agreement and herein-after referred to as "the vestry") agreed to sell and the Metropolitan Board of Works agreed to purchase for public open spaces certain lands set forth in parts II. and III. of the said schedule, and recites that it is expedient that the Board should be empowered to enlarge and improve Tooting Beck Common, controlled by the Board under 36 & 37 Vict. c. lxxxvi., and that the Board should be empowered to make byelaws for bridges vested in them or which they may be authorised to construct and for the embankments vested in them, and that it is expedient to confer further powers on the Board to regulate theatres and places of public resort, and with respect to inundations from the Thames.*]

1. This Act may be cited as the Metropolitan Board of Works Short title. (Various Powers) Act 1882.

2. [*Incorporation of Lands Clauses Acts. Spent.*]

3. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say):—

Interpreta-
tion of terms.

The expression "the Board" means the Metropolitan Board of Works *;

The expression "the metropolis" means the metropolis as defined by the Metropolis Management Act 1855;

18 & 19 Vict.
c. 120.

The expression "Justice" means Justice of the Peace acting for the county borough liberty or place where the matter requiring the cognizance of any such Justice shall arise and who shall not be interested in the matter. . . .

The expression "the street improvement" means the widening of Tooley Street and the works connected therewith by this Act authorised;

The expression "the improvements" means the street improvement the providing of open spaces and the improvement of Tooting Beck Common and the works connected therewith respectively by this Act authorised;

The expression "scheduled agreement" means the agreement set forth in the first part of the schedule to this Act annexed.

[*Part omitted (definition of "two Justices," "lessee," and "person," and as to meanings of words in the Lands Clauses Acts incorporated spent.*)]

4. This Act shall be carried into effect by the Board,

Act to be
carried into
effect by
Board.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Power to
Board to
make widen-
ing of Tooley
Street.

5. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make the street improvement following (that is to say):—

The widening of Tooley Street on the southern side thereof in the parishes of St. Olave Southwark and St. John Horsleydown or one of them in the county of Surrey* commencing in the parish of St. Olave Southwark or of St. John Horsleydown at the junction of Tooley Street with Bermondsey Street and terminating in the parish of St. Olave Southwark at the junction of Tooley Street with Dean Street.

[Part omitted (power to the Board to acquire lands) spent.]

6—8. [Power to the Board to stop up ways during works, to raise or lower streets, and to deviate. Spent.]

9. [Power to the Board to make subsidiary works, to stop up and appropriate streets, and to alter sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.]

10—11. [Power to the Board to alter the position of water, gas, and other pipes and to lay out carriageways. Spent.]

12. [As to laying of pavement and resting the same when laid in the St. Olave's District Board.†]

13. [Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.]

14. [Power to the Board to alter steps, areas, pipes, etc. Spent.]

15. [Ground laid into the public street to form part thereof, and to be under the management of the St. Olave's District Board.†]

16. [Period for the execution of works limited to 4 years. Spent.]

Power to
Board to
maintain
Peckham
Rye etc. as
open spaces.

17. Subject to the provisions of this Act the Board may maintain in the said parish of St. Giles Camberwell as open spaces to be dedicated to the perpetual use thereof by the public for exercise and recreation as by this Act provided the lands known as Peckham Rye Goose Green and Nunhead Green and described in Part II. of the schedule to this Act annexed and such part of the lands (if any) described in Part III. of the schedule to this Act annexed as they may think expedient all which lands are delineated on the deposited plans and described in the deposited book of reference and they may enter upon take use hold and acquire all or any of the said lands described in the said schedule which they may require. [See also (as to Peckham Rye) 54 & 55 Vict. c. ccvi. s. 51, and 55 & 56 Vict. c. ccxxxviii. s. 36.]

18—19. [Confirmation of scheduled agreement—As to payment and application of consideration thereunder. Spent.]

Land
described in
Parts II. and
III. of
schedule
vested in
Board.

20. From and after the day of transfer all the estate right title and interest of the churchwardens and overseers and the vestry in or to the lands described in Part II. and Part III. of the schedule to this Act annexed agreed to be conveyed and assigned under the scheduled agreement shall be transferred to and vest in the Board

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the Council of the Metropolitan Borough of Southwark. See 62 & 63 Vict. c. 14, s. 4.

absolutely and they shall be entitled to immediate possession of the same and the Board shall hold the said lands described in Part II. of the said schedule and if the Board thinks it expedient the lands described in Part III. of the said schedule or so much of the same (if any) as the Board may think suitable for such purpose as open spaces for the perpetual use thereof by the public for exercise and recreation and the Board may from time to time make such provision as may be necessary for maintaining and protecting the said open spaces. Saving always to all persons and bodies politic and corporate and their respective heirs successors executors and administrators all such estates interests or rights of a profitable or beneficial nature in over or affecting the open spaces or any of them or any part thereof as they or any of them had before the confirmation of the scheduled agreement by this Act or could or might have enjoyed if the scheduled agreement had not been confirmed by this Act except only so far as any such estates interests or rights are or shall be acquired by the Board under the scheduled agreement or shall be acquired by the Board by consent or by purchase whether by agreement or compulsorily under the powers conferred by this Act for the purchase of the same with a view to their acquisition by the Board or their absolute extinction.

Commons
etc. to be
kept as open
spaces.

21. From and after the day of transfer all the provisions of the Metropolitan Board of Works Act 1877 with respect to the making contents confirmation approval allowance publication and evidence of byelaws and to securing the observance of the same and to penalties and proceedings before Justices and the recovery and application of penalties and generally with respect to the parks and heaths or commons shall extend and apply to the said open spaces as if the said open spaces had been included amongst the parks heaths and commons in respect of which byelaws were by the Metropolitan Board of Works Act 1877 authorised to be made by the Board. [See 53 & 54 Vict. c. cexliiii. ss. 14—21, and 61 & 62 Vict. c. cexxi. s. 61.]

Open spaces
to be subject
to provisions
of 40 & 41
Vict. c. viii.
as to byelaws.

22. Subject to the provisions of this Act the Board may enlarge and improve Tooting Beck Common by the addition thereto of certain lands in the said parishes of Streatham and Clapham and county of Surrey * delineated on the deposited plans and coloured pink thereon and may for such purpose enter upon take or use and acquire the said lands and may by way of consideration for the acquisition of part of such lands grant and convey by way of exchange the lands in the said parish of Streatham delineated on the deposited plans and coloured blue thereon in the manner and subject to the conditions by this Act prescribed.

Power to
Board to
improve Toot-
ing Beck
Common.

23. The Board on the one hand and the master fellows and scholars of Emmanuel College in the University of Cambridge on the other hand may at any time after the passing of this Act enter into and carry into effect an agreement or agreements with respect to all or any of the matters following (that is to say):—

Power to
Board and
master etc.
of Emmanuel
College to
agree to
exchange of
lands for im-
provement of
Tooting Beck
Common.

- (1.) The exchange of certain lands in the parish of Streatham and county of Surrey * now vested in the Board and forming part of and adjoining Tooting Beck Common and Dragmire Lane for certain lands near thereto the property of the said master fellows and scholars and forming part of Hyde Farm in the parish of Clapham and in the said

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

county of Surrey * all which lands are delineated on the deposited plans and described in the deposited book of reference and the vesting of the said first-mentioned lands in the parish of Streatham in the said master fellows and scholars freed and discharged from all rights of common rights of way and other public and private rights in over or affecting the same ;

- (2.) The extinction or transfer to the Board of all rights of way rights of common and all other rights of the said master fellows and scholars in over or upon the said lands in the parish of Clapham or in over or upon Tooting Beck Common.

And notwithstanding anything in this Act contained the Board shall not enter on purchase take use or acquire any estate interest or right of the said master fellows and scholars in to over or upon the said lands in the parish of Clapham or Tooting Beck Common otherwise than by virtue of and in accordance with an agreement or agreements made under the authority of this section.

And for the purpose of making and carrying into effect any such agreement or agreements this Board and the said master fellows and scholars respectively shall subject to the provisions of this Act have and may exercise all such powers and do and execute all such acts matters and things as may be necessary.

From and after the vesting in the said master fellows and scholars of the said lands in the parish of Streatham forming part of and adjoining Tooting Beck Common and Dragmire Lane under and by virtue of any agreement or agreements made between the Board and the said master fellows and scholars under the authority of this Act the said lands shall be freed and discharged from all rights of common rights of way and all other public and private rights in over or affecting the same and all such rights shall be and the same are hereby extinguished and the said lands shall cease to be or form part of Tooting Beck Common and to be subject to the provisions of the Scheme relating to Tooting Beck Common confirmed by the Metropolitan Commons Supplemental Act 1873 and the Metropolitan Board of Works Act 1877 and the said Scheme and Act shall respectively be construed accordingly.

Lands in
parishes of
Streatham
and Clapham
acquired by
Board to
form part of
Tooting Beck
Common.

24. All lands in the parishes of Streatham and Clapham acquired by the Board under the powers of this Act by purchase or exchange or otherwise shall forthwith thereafter be added to become and be part of Tooting Beck Common and the same shall be subject to the exercise of all rights in over or upon Tooting Beck Common in all respects as though the said lands so added formed part of the lands immediately before passing this Act subject to the provisions of the Scheme relating to Tooting Beck Common confirmed by the Metropolitan Commons Supplemental Act 1873 and the provisions of the said Scheme shall extend and apply to the lands so added as though the same were included in the lands immediately before the passing of this Act subject to the provisions of the said Scheme and all byelaws with respect to Tooting Beck Common made by the Board under the provisions of the Metropolitan Board of Works Act 1877 and immediately before the passing of this Act in force or hereafter to be made by the Board under the provisions of the Metropolitan Board of

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

Works Act 1877 and all the provisions of the said last-mentioned Act with respect to the making contents confirmation approval allowance publication and evidence of byelaws and to securing the observance of the same and to penalties and proceedings before Justices and the recovery and application of penalties and generally with respect to the parks and heaths or commons shall extend and apply to the said lands so added as though the same had at the time of the passing of the said last-mentioned Act formed part of Tooting Beck Common and been included amongst the parks heaths and commons in respect of which byelaws were by the said last-mentioned Act authorised to be made by the Board.

And the provisions of this section shall after the exchange of lands effected by any agreement or agreements made under the authority of this Act between the Board and the said master fellows and scholars be by way of full compensation and in discharge of all claims in respect of any rights whether public or private in over or affecting the lands in the parish of Streatham taken in exchange by the said master fellows and scholars under any such agreement or agreements as aforesaid. [See notes on 40 & 41 Vict. c. viii. which apply here; see also 53 & 54 Vict. c. cexliii. ss. 14—21, and 61 & 62 Vict. c. cexxi. s. 61.]

25—32. [*Errors and omissions in plans—As to arbitration—As to taking parts only of certain property—Power to the Board to survey lands to be taken—As to rehousing labouring class persons—Deficiencies in land tax during works—Power to the Board to sell materials. Spent.*]

33—35. [*Power to the Board to grant building leases of surplus lands—As to sale of ground rents and reversion thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. cxxxvii. s. 23. See ibid. ss. 19—22.*]

36. The Board may from time to time let either from year to year or for a term at rackrent or exchange or otherwise dispose of any building or lands in the said parishes of St. Olave Southwark or St. John Horsleydown or any lands described in Part III. of the schedule to this Act annexed or any part thereof acquired by them under the powers of this Act and not required to be laid into and to form part of any of the improvements and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition. [Spent as to the lands described in part III. of the schedule.] Board may let lands.

37. [Board within such period as they think fit after the completion of any of the improvements for the purposes of which lands in St. Olave Southwark and St. John Horsleydown or any lands described in part III. of the schedule to the Act have been acquired to sell any part of such lands not laid into any such improvements. Spent as to sale of lands in part III. of schedule. Remr. superseded 47 & 48 Vict. c. 59, s. 23.]

38. The receipt of the Board for any purchase moneys rents or profits or other money payable to the Board by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received. Receipts of Board to be effectual discharges.

39—40. [*Period for compulsory purchase of lands limited to*

3 years—Power to the Board to purchase easements or rights over lands acquired by them within 5 years. Spent.]

Power to
make bye-
laws for
management
of bridges.

41. In addition to any byelaws in that behalf which the Board are now authorised to make the Board may from time to time make and when made repeal amend or alter any byelaws relating to the management and regulation of any bridge or bridges within the metropolis vested in them or which they may be authorised to construct or of any embankment vested in the Board and especially byelaws for all or any of the following purposes :—

To control and regulate the traffic on or over any such bridge or bridges or such embankments ;

To limit the weights of loads to be brought on any such bridge or bridges or such embankments ;

To stop wholly or partially traffic over any such bridge or bridges or any such embankment during alteration or repair ;

To prohibit the mooring of vessels to any such bridge or embankment or other work connected therewith of the Board ;

And all the provisions of the Metropolis Management Act 1855 with respect to the making contents confirmation publication and evidence of byelaws and to securing the observance of the same and to penalties and proceedings before Justices and the recovery and application of penalties shall extend and apply to any byelaws from time to time made by the Board under this section. [*See 18 & 19 Vict. c. 120, ss. 202 and 203 ; and 55 & 56 Vict. c. ccxxxviii. s. 40.*]

42. [*Saving the rights of the Thames Conservators.*]

Saving rights
of the London
Gaslight
Company.

43. Nothing in this Act contained or in any byelaw to be made by the Board in pursuance of this Act shall lessen prejudice or alter the right or power of the London Gaslight Company* to lay down maintain alter and repair mains and pipes upon over and along any bridge or bridges within the metropolis vested in the Board or which they are authorised to construct or upon over and along any embankment vested in the Board.

Provided that when the Board stop wholly or partially traffic over any part of any bridge or embankment in which the Gaslight Company may have any power of laying mains or pipes the Gaslight Company shall on receiving six days notice in writing from the Board of their intention to stop such traffic arrange so far as may be reasonably practicable that any works of laying or repairing mains or pipes which may be or be about to become necessary shall be executed during the period for which the Board shall stop such traffic subject to such regulations as may be reasonably made by the Board with reference thereto.

44. [*Extension till 31st March 1888 of the time limited by 36 & 37 Vict. c. c. s. 25 for the sale of the lands therein mentioned. Superseded 47 & 48 Vict. c. 59, s. 23.*]

Board may
require means
of exit from
theatres etc.
to be kept
open.

45. Where any house or other place of public resort within the metropolis which is for the time being authorised to be kept open for the public performance of stage plays is kept open for such purpose under the authority of letters patent from Her Majesty her heirs and successors or predecessors or of a license granted by the Lord Chamberlain of Her Majesty's household for the time being

* Amalgamated with the Gaslight & Coke Company by an Order in Council in 1883 made under 31 & 32 Vict. c. cxxv. ss. 18—24.

or by Justices of the Peace * or where any house room or other place of public resort within the metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet which is for the time being authorised to be kept open is kept open for dancing music or other public entertainment of the like kind under the authority of a license granted by any court of quarter sessions * the Board may serve a notice in writing upon the person by whom such house room or place of public resort is so kept open requiring him to comply with any such requirements as the Board may think expedient with respect to all or any of the matters following (that is to say):—

The times during which the doors or any of the doors affording means of exit from any such house room or place of public resort shall be kept open during the times fixed for the admission of the public to or the presence of the public in or the departure of the public from such house room or place of public resort.

The conditions under which such doors or any of such doors may be closed during the times aforesaid and the persons to be charged with the duty of closing and opening the same.

The nature of the fastenings to be used for the purpose of keeping such doors or any of such doors closed during the times aforesaid.

The notices to be posted in such house room or place of public resort specifying the means of exit therefrom.

In case any such house room or place of public resort is kept open by any person for any of the purposes aforesaid while all or any the requirements of such notice are not complied with such person shall be liable to a penalty not exceeding ten pounds for every day on which such house room or place of public resort is so kept open after service of such notice.

Any person authorised by the Board in writing may at any time during the times fixed for the admission or presence of the public and at all other reasonable times enter and inspect any such house room or place of public resort for the purpose of ascertaining whether any such notice should be served by the Board with respect to such house room or place of public resort or whether the requirements of any such notice are complied with and if any person refuses to admit any person so authorised or to afford him all reasonable assistance in such inspection then in every such case the person so refusing shall incur for each offence a penalty not exceeding twenty pounds.

46. The Board instead of ordering any works of a fixed or permanent character under the provisions of the Metropolitan Management (Thames River Prevention of Floods) Amendment Act 1879 may when on any premises any dam of a temporary or movable character for the protection of lands within the limits of the said Act from floods or inundations caused by the overflow of the River Thames has been erected without the authority of the Board and the Board are of opinion that the erection of a dam of a fixed or permanent character on such premises would materially interfere with the transaction of business carried on upon the river side of such premises by order authorise and require the continuance and maintenance of such temporary or movable dam in its existing condition or with such alterations or modifications in the same as

Board may
authorise
continuance
of existing
temporary
flood works.
42 & 43 Vict.
c. cxviii.

* See 51 & 52 Vict. c. 11, s. 3 (v).

the Board may think expedient subject to such regulations restrictions and conditions with respect to the fixing removing and maintenance of the same as the Board may from time to time think necessary and the Board may by any such regulations restrictions and conditions authorise the temporary removal of any such dam during such times as they may think proper and may prohibit the removal or alteration of the same except during such times and in such manner as to them may seem necessary or proper.

Where the Board have authorised the continuance and maintenance of any dam of a temporary or movable character subject to any regulations restrictions or conditions any person making default in the due observance or committing a breach of any of the same shall be liable to a penalty not less than twenty pounds and not exceeding fifty pounds and in case of a continuing offence to a further penalty not less than twenty pounds and not exceeding fifty pounds for each day after the first during which such default or breach continues but save as aforesaid such person shall not be liable to any penalty or damages or to pay any compensation by reason or in respect of any such default or breach.

Amendment
of 42 & 43
Vict.
c. cxcviii. as
to copies of
plans.

47. From and after the passing of this Act it shall not be necessary to transmit to any body or person more than one copy of any part of the plan or of any part of any of the plans from time to time prepared and constituting together the plan referred to in section 7 of the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 or of any other plan which the Board may from time to time cause to be prepared in accordance with the said Act.

Recovery of
penalties.

48. Every penalty imposed by this Act upon any person with reference to any house room or place of public resort may be recovered by summary proceedings before any Justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolis Management Act 1855 and the Acts amending the same; and every penalty imposed by this Act upon any person making default in the due observance or committing a breach of any regulations restrictions or conditions made by virtue of this Act with respect to the continuance and maintenance of any dam of a temporary or movable character may be recovered by the Board or any officer or servant by them authorised in like manner and subject to the like right of appeal as if the same were a penalty imposed by the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 and the same shall be applied towards the same purposes as penalties under the said Act: Provided always that in any proceedings against any person for more than one penalty in respect of one or more breach or breaches of any provision of this Act or of any byelaw made in pursuance of this Act it shall be lawful to include in one summons all such penalties and the charge for such summons shall not exceed two shillings. [See 18 & 19 Vict. c. 120, ss. 227 and 231; and 42 & 43 Vict. c. cxcviii. ss. 4 and 44.]

49. [*Saving the rights of the Crown and the Commissioners of Works.*]

50. [*Saving the rights of the Crown.*]

51. [*Expenses of obtaining Act. Spent.*]

SCHEDULE referred to in the foregoing Act.

PART I.

[Agreement of 11th November 1881 between the churchwardens and overseers of the poor of St. Giles's, Camberwell, the vestry of the parish of St. Giles's, Camberwell, and the Metropolitan Board of Works for the sale to the Board by the said churchwardens and overseers and vestry for £1,000 of Peckham Rye, Goose Green, and Nunhead Green, then under the management of the said vestry and held by the said churchwardens and overseers. Spent.]

PART II.

The following commons wastes or open spaces in the parish of St. Giles Camberwell in the county of Surrey * (that is to say) :—

- (1.) Peckham Rye containing 55 acres and 29 poles or thereabouts.
- (2.) Goose Green containing 4 acres and 39 poles or thereabouts.
- (3.) Nunhead Green containing 2 roods 34 poles or thereabouts.

PART III.

Four small pieces of land in the parish of St. Giles Camberwell in the county of Surrey * situate to the northward of Peckham Rye or Peckham Rye Common and abutting on or near to Peckham Rye Road viz.—

- (a.) A piece of land containing 12 poles or thereabouts on which a drinking fountain stands situate at the junction of Heaton Road Rye Lane and Copeland Road.
- (b.) A piece of land containing 6 poles or thereabouts abutting on the eastern side of the open space in front of the White Horse Inn in Peckham Rye Road or Nigel Road and on the western side of a new road in course of construction in a northerly direction from Peckham Rye Road.
- (c.) A piece of land containing 2 poles or thereabouts forming part of the open space between the said White Horse Inn and Peckham Rye Road.
- (d.) A piece of land containing 33 poles or thereabouts, abutting upon the eastern side of Peckham Rye Road between Philip Road and Scylla Road and occupied or partly occupied in connection with the houses on the east side of Peckham Rye Road between Philip Road and Scylla Road.

CHAPTER CCXXII.

AN ACT FOR AMENDING THE METROPOLITAN STREET IMPROVEMENTS
ACT 1877. [18th August 1882.]

[Preamble recites 40 & 41 Vict. c. ccxxxv. (in this Act referred to as "the Act of 1877") and in particular s. 33 thereof, and that by reason of the obligations imposed by that section on the Metropolitan Board of Works (in this Act called "the Board"), the Board have been prevented from carrying into effect certain of the purposes of the said Act; and that a Select Committee appointed by the House of Commons on the 20th day of February 1882 to consider the working of the Artizans' and Labourers' Dwellings Improvement Act 1875† and the amending Act of 1879† with a view of considering (inter alia) how the expense of and the delay and difficulty in carrying out these Acts might be reduced, and also to consider the working of the Metropolitan Street Improvements Acts 1872 and 1877 and of 31 & 32 Vict. c. 130† and 42 & 43 Vict. c. 64,† by their Report of the 19th June 1882 recommended that the Board should forthwith be relieved of the obligations imposed by the said s. 33 of the Act of 1877 so far as the same were applicable (inter alia) to the Gray's Inn Road improvement by the Act of 1877 authorised; and that the Board have caused a plan in this Act referred to as "the Gray's Inn Road

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Rep. and replaced by the Housing of the Working Classes Act 1890.

plan" to be prepared showing the lands to be taken for the purposes of the Gray's Inn Road improvement authorised by the Act of 1877 and recites the deposit of the said plan with the clerks of the peace for Middlesex and the city of Westminster.]

Short title.

1. This Act may be cited as the Metropolitan Street Improvements Act 1877 (Amendment) Act 1882 and the Metropolitan Street Improvements Act 1877 and this Act may be cited together as the Metropolitan Street Improvements Acts 1877 and 1882.

Amendment of Act of 1877 as to Gray's Inn improvement.

2. The Board shall in the exercise of the powers by the Act of 1877 conferred upon them for the taking of lands for the purposes of the Gray's Inn Road improvement by the said Act authorised be subject to the conditions following :—

(1.) The Board may as soon as may be after the passing of this Act exercise the said powers with respect to the lands coloured blue on the Gray's Inn Road plan and lying south of Baldwin's Gardens and such parts of the lands coloured pink and yellow on the Gray's Inn Road plan as are situate between Holborn and the Town Hall of the Holborn District Board of Works.*

(2.) The said lands coloured blue shall be appropriated exclusively to the erection of artisans dwellings and when artisans dwellings have been erected thereon but not before the Board may remove the buildings on the lands coloured green on the Gray's Inn Road plan and the said lands coloured green shall be appropriated exclusively to the erection of artisans dwellings and when artisans dwellings have been erected on the said lands coloured green but not before the Board may remove the buildings on the remainder of the lands situate to the north of the said Town Hall and authorised to be taken by the Act of 1877 for the purposes of the said Gray's Inn Road improvement but the part of the said lands coloured purple on the Gray's Inn Road plan except such portion thereof as may be appropriated to the widening of Elm Street shall be appropriated exclusively to the erection of artisans dwellings.

(3.) The artisans dwellings to be erected on the lands coloured blue green and purple respectively on the Gray's Inn Road plan shall be sufficient to accommodate not less than one thousand two hundred persons belonging to the labouring classes.

(4.) All the lands coloured pink on the Gray's Inn Road plan shall be appropriated exclusively to the widening of the Gray's Inn Road as by the Act of 1877 authorised.

[*Rep. in part and amended 50 & 51 Vict. c. cvi. s. 13, g.c.*]

Section 33 of Act of 1877 not to apply to lands shown on the Gray's Inn Road plan.

3. From and after the passing of this Act the provisions contained in section thirty-three of the Act of 1877 shall cease to be in force with respect to the lands shown on the Gray's Inn Road plan and authorised to be taken by the Act of 1877 and in relation thereto the Act of 1877 shall be read as though the said section were not contained therein. [*See also 50 & 51 Vict. c. cvi. s. 12.*]

4. [*Certificate of a Secretary of State as to compliance with this Act to be conclusive. Spent.*]

5. [*Expenses of obtaining Act. Spent.*]

* Now the Council of the Metropolitan Borough of Holborn. See 62 & 63 Vict. c. 14, s. 4.

46 & 47 VICTORIA. A.D. 1883.

CHAPTER 27.

AN ACT FURTHER TO AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES. [29th August 1883.]

[Preamble rep. 61 & 62 Vict. c. 22 (S.L.R.).]

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1883, and the Metropolitan Board of Works (Money) Acts, 1875 to 1882, and this Act, may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1883. Short title.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1882. Construction of Act.

3. The expression "Embankment Acts" in the Metropolitan Board of Works (Loans) Act, 1869, and in this Act, shall mean the series of Acts specified in Part II. of the Second Schedule to this Act annexed, and the Metropolitan Board of Works (Loans) Act, 1869, shall be construed accordingly. Interpretation.

[Parts omitted (definitions of the expressions "Parks and Open Spaces Acts" and "Main Drainage Acts") rep. 61 & 62 Vict. c. 22 (S.L.R.).]

4—8. [Amendment of ss. 10 (f) and 14 of 45 & 46 Vict. c. 33—Power to the Board to expend moneys till 31st December 1884 for sundry purposes, and to contribute to improvements at Hyde Park Corner. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

9. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same, for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section; and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [Part omitted (as to power to expend money for purposes of main drainage and main sewers) rep. 61 & 62 Vict. c. 22 (S.L.R.).] Special power to expend money for purposes of main drainage and main sewers.

10. [Power to the Board to lend to vestries, district boards, corporations, burial boards, etc., till 31st December 1884. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury, not exceeding as to loans for widening streets or for bridges and purchase of lands 60 years, and for other purposes 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 4.]

11. [Power to the Board to lend to guardians till 31st December 1884. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.]

12. [*Extension of amount which the Board may lend to the Managers of the Metropolitan Asylum District. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

13. [*Power to the Board to lend during the year ending 31st December 1884 to the School Board for London. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 50 years. Superseded 2 Educ. 7, c. 42, s. 5, and 2nd schedule; and 3 Educ. 7, c. 24, s. 1.*]

Power to
raise consoli-
dated stock.

14. Where the Board under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within thirty years from the date of such loan, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any lesser period for which the same may be made, an amount of consolidated stock equal to that so created; and

Where the Board are by this Act authorised to make a loan repayable within thirty years from the date of the loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payment of the dividends on consolidated stock; and

Where the Board raise consolidated stock for the purpose of any scheme made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875,* or the Artizans and Labourers Dwellings Improvement Acts, 1875* to 1882,* and confirmed by Provisional Order and Act of Parliament, there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875,*) to the consolidated rate out of the local rate as defined by the said last-mentioned Act, all moneys required for payment of dividends on and the redemption of all consolidated stock created for such purpose.

[*Part omitted (as to power to the Board to create consolidated stock to raise money for the purposes of this Act) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

15—22. [*As to Metropolitan Bills. Rep. 60 & 61 Vict. c. cexx. s. 21; ss. 15—17 and 20 also rep. by 61 & 62 Vict. c. 22 (S.L.R.).*]

23. [*Limitation of power of borrowing in s. 38 of 32 & 33 Vict. c. 102, not to extend to this Act. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Repayments
to be carried
to Consoli-
dated Loans
Fund.

24. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

25. [*Limit to exercise of borrowing powers. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

FIRST SCHEDULE. [*Particulars of new money powers conferred by this Act. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

SECOND SCHEDULE. [*Part I. List of Parks and Open Spaces Acts referred to in s. 3. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

* Rep. and replaced by the Housing of the Working Classes Act 1890.

PART II.

Embankment Acts.

The Thames Embankment (North) Act, 1862, 25 & 26 Vict. c. 93., 26 & 27 Vict. c. 45.
 " " (South) Act, 1863, 26 & 27 Vict. c. 75.
 " " Amendment Act, 1864, 27 & 28 Vict. c. cxxxv., 27 & 28 Vict. c. 61.*
 " " (North and South) Act, 1868, 31 & 32 Vict. c. cxi., 31 & 32 Vict. c. 43.*
 " " (Chelsea) Act, 1868, 31 & 32 Vict. c. cxxxv., 32 & 33 Vict. c. 134.†
 " " (North) Act, 1870, 33 & 34 Vict. c. xcii.
 " " " " 1872, 35 & 36 Vict. c. lxvi.
 " " (Land) Act, 1873, 36 & 37 Vict. c. 40.
 " " (South) Act, 1873, 36 Vict. c. vii.
 Charing Cross and Victoria Embankment Approach Act, 1873, 36 & 37 Vict. c. c.
 Metropolitan Board of Works (Various Powers) Act, 1876 (Chelsea Embankment), 39 & 40 Vict. c. lxxix.

CHAPTER XCIV.

‡ AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA SITUATED AT SAINT GEORGE-IN-THE-EAST, WITHIN THE METROPOLIS. [16th July 1883.]

[*Preamble.*]

1. The Order set out in the schedule hereunto annexed is hereby confirmed. Order in schedule confirmed.
2. This Act may be cited as the Metropolis (Tench Street, Saint George-in-the-East) Provisional Order Confirmation Act, 1883. Short title.

SCHEDULE.

THE METROPOLIS (TENCH STREET, ST. GEORGE-IN-THE-EAST) IMPROVEMENT, 1883.

[*Provisional Order of the Home Secretary dated 2nd May 1883, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Acts 1875—1882, § for the improvement of an unhealthy area in the parish of St. George-in-the-East. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 1,284, and provides for the clearing of the lands constituting the improvement area and for the erection thereon of dwellings to accommodate 1,284 persons belonging to the working class. The Order also requires the widening of Tench Street to 30 feet, and Green Bank as nearly as may be to 30 feet. Spent.*]

CHAPTER XCV.

AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA SITUATED AT LIMEHOUSE, WITHIN THE METROPOLIS. [16th July 1883.]

[*Preamble.*]

1. The Order set out in the schedule hereunto annexed is hereby confirmed. Order in schedule confirmed.

* Rep. 32 & 33 Vict. c. 102, s. 50.

† Semble refers to the Park Lane Improvement Act 1869 (32 & 33 Vict. c. cxxxiv.).

‡ See 52 & 53 Vict. c. cxlvii. s. 10.

§ Rep. and replaced by the Housing of the Working Classes Act 1890.

Short title.

2. This Act may be cited as the Metropolis (Brook Street, Limehouse) Provisional Order Confirmation Act, 1883.

SCHEDULE.

THE METROPOLIS (BROOK STREET, LIMEHOUSE) IMPROVEMENT, 1883.

[Provisional Order of the Home Secretary dated 2nd May 1883, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Acts 1875—1882, for the improvement of an unhealthy area situated in the hamlet of Ratcliff, in the district of Limehouse. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 562, and provides for the clearing of the lands constituting the improvement area, and for the erection thereon of dwellings to accommodate 562 persons belonging to the working class. The Order also requires the widening of Harris's Court to 30 feet, Bere Passage, otherwise Orchard Place, to 30 feet, and Bere Street to 30 feet at its junction with Harris's Court. Spent.]

CHAPTER XCVI.

AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA SITUATED IN LAMBETH, WITHIN THE METROPOLIS. [16th July 1883.]

[Preamble.]

Order in
schedule
confirmed.

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

Short title.

2. *[Saving the rights of the Duchy of Cornwall. Spent.]*
3. This Act may be cited as the Metropolis (Windmill Row, New Cut, Lambeth) Provisional Order Confirmation Act, 1883.

SCHEDULE.

METROPOLIS (WINDMILL ROW, NEW CUT, LAMBETH) IMPROVEMENT, 1883.

[Provisional Order of the Home Secretary dated 2nd May 1883, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Acts 1875—1882, for the improvement of an unhealthy area situated in the parish of Lambeth. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 459, and provides for the clearing of the lands constituting the improvement area, and for the erection thereon of dwellings to accommodate 459 persons belonging to the working class. The Order also requires the widening of Little Windmill Street to 30 feet, Windmill Street to 30 feet, and Eaton Street as nearly as may be to 30 feet. Spent.]

CHAPTER XCVII.

AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA SITUATED AT GREENWICH, WITHIN THE METROPOLIS. [16th July 1883.]

[Preamble.]

Order in
schedule
confirmed.

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

2. This Act may be cited as the Metropolis (Trafalgar Road, Greenwich) Provisional Order Confirmation Act, 1883. Short title.

SCHEDULE.

THE METROPOLIS (TRAFALGAR ROAD, GREENWICH) IMPROVEMENT, 1883.

[Provisional Order of the Home Secretary dated 2nd June 1883, confirming a Scheme prepared by the Metropolitan Board of Works, under the Artizans and Labourers Dwellings Improvement Acts 1875—1882, for the improvement of an unhealthy area situated in the parish of St. Alphege, Greenwich. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 378, and provides for the clearing of the lands constituting the improvement area, and for the erection thereon of dwellings to accommodate 380 persons belonging to the working class. The Order also requires the widening of Lower East Street, otherwise East Lane, between Old Woolwich Road and Trafalgar Road, as nearly as may be to 30 feet, and Old Woolwich Road to 30 feet, or thereabouts. Spent.]

CHAPTER CLXXVII.

AN ACT FOR ENABLING THE METROPOLITAN BOARD OF WORKS TO ALTER AND RE-CONSTRUCT HAMMERSMITH BRIDGE ; FOR PROVIDING FOR THE FREE USE BY THE PUBLIC OF THE EAST AND WEST FERRY ROADS IN THE PARISH OF POPLAR IN THE COUNTY OF MIDDLESEX ; AND FOR OTHER PURPOSES. [2nd August 1883.]

[Preamble recites (inter alia) the Metropolis Toll Bridges Act 1877 ; and that the Metropolitan Board of Works under the said Act have acquired (amongst others) the bridge known as Hammersmith Bridge, and that the same is now open to the public free from toll, and that the Board are required to maintain and repair the same ; and that the said bridge is in a dangerous condition and unfit for general traffic ; and recites an Act passed in the 52nd year of the reign of King George III. intituled “ An Act for establishing a ferry over the River Thames from Greenwich in the county of Kent to the Isle of Dogs in the county of Middlesex and for making and maintaining roads to communicate therewith,” and that the said Act was amended by an Act passed in the 54th year of the reign of King George III. intituled “ An Act for amending an Act of the fifty-second year of the reign of His present Majesty for establishing a ferry over the River Thames from Greenwich in the county of Kent to the Isle of Dogs in the county of Middlesex and for making and maintaining roads to communicate therewith,” and that by the said Acts the Poplar and Greenwich Ferry Company were authorised to establish a ferry over the River Thames from Greenwich to the Isle of Dogs, and to make and maintain roads communicating therewith, and to levy tolls and charges in respect of the use of the same ; and that the use of the roads known as the East and West Ferry Roads in the parish of Poplar is now under the said Acts subject to the payment of tolls or charges to the said Ferry Company ; and that it is expedient to provide for throwing open for the free use of the public the said East and West Ferry Roads and for such purpose to authorise the Board to purchase the undertaking of the said Ferry Company ; and recites the deposit with the Clerks of the Peace for Middlesex and Surrey of plans and sections of the works proposed to be made by the Board.]

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Bridges, etc.) Act 1883.

2. [*Incorporation of the Lands Clauses Acts.*]

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

“The Board” means the Metropolitan Board of Works* ;

“The works by this Act authorised” includes the alteration and reconstruction of the existing bridge over the River Thames at Hammersmith the erection maintenance taking down and removal of the temporary bridge and the approaches roads and works connected therewith respectively by this Act authorised ;

“The Ferry Acts” means the Act passed in the fifty-second year of the reign of King George III. chapter one hundred and forty-eight intituled “An Act for establishing a ferry over the River Thames from Greenwich in the county of Kent to the Isle of Dogs in the county of Middlesex and for making and maintaining roads to communicate therewith” and the Act passed in the fifty-fourth year of the reign of King George III. chapter one hundred and seventy-one intituled “An Act for amending an Act of the fifty-second year of the reign of His present Majesty for establishing a ferry over the River Thames from Greenwich in the county of Kent to the Isle of Dogs in the county of Middlesex and for making and maintaining roads to communicate therewith” ;

“The Poplar and Greenwich Ferry Company” means the Company incorporated by and acting in execution of the Ferry Acts ;

“The undertaking of the Poplar and Greenwich Ferry Company” means the ferry roads tolls toll houses, and all the property real and personal of the Poplar and Greenwich Ferry Company (save and except any moneys of the said Company which at the time of the transfer of their undertaking to the Board shall be standing to their credit in the books of their bankers on current account and deposit account or in the hands of their treasurer or collectors and any moneys at the same time of the said Company (whether in the hands of their bankers or standing upon any investment) representing unclaimed dividends and interest accrued upon unclaimed dividends and save and except the books of the said Company) and all the estate right title and interest of the said Company in or to the same and all rights powers authorities and privileges of the said Company in relation thereto and to the demanding and taking of tolls and charges and to the making and levying of rates or assessments in respect of the use thereof under the Ferry Acts ;

“The Lease of 1868” means the indenture made the twentieth day of February 1868 between the Poplar and Greenwich Ferry Company of the one part and John Barber James Giles (the younger) John William Doust Edward Thomas Phillips John Stevens Robert Luxford John Giles Joseph Samuel Doust James Brownfield Philip Richbell William

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Giles and William Sexton Forrest all of Greenwich in the county of Kent watermen being the then surviving trustees and members of a certain society commonly called or known as the Potter's Ferry Company of the other part ;

"Road authority" and the term "district" in relation to a road authority shall have respectively the same meanings as are assigned to the same terms respectively by the Tramways Act 1870 ;

"Street" shall have the meaning assigned to the same term in the Metropolis Management Act 1855 and the Acts amending the same ;

"The Conservators" means the Conservators of the River Thames ;

[Parts omitted (definitions of "Justice," "lessee," and "person," and as to meanings of words in the Lands Clauses Acts incorporated) spent.]

4—5. [Board to execute Act and may appoint Committee therefor. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.]

6. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may alter reconstruct and maintain as altered or reconstructed the bridge over the river Thames at Hammersmith known as "Hammersmith Bridge" and the approaches thereto partly in the parish of Saint Peter and Saint Paul Hammersmith in the county of Middlesex * and partly in the parish of Barnes in the county of Surrey or any part or parts of the said bridge or approaches.

Power to re-construct Hammersmith Bridge.

[Part omitted (Board not to stop traffic on the bridge till the temporary bridge hereinafter referred to is open) spent.]

7—8. [Power to the Board to dredge the Thames for the purpose of reconstructing the bridge, and to make a temporary bridge and approaches. Spent.]

9. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Board may make and maintain in connection with the works by this Act authorised all such piers wharves walls fences drains stairs buildings and all such works and conveniences as they may deem proper. And for the purposes aforesaid or any of them the Board may subject to the provisions of this Act alter and interfere with the banks bed soil and foreshore of the River Thames and may make dams and drive such piles in the bed of the said river and may erect such temporary staging in upon or over the said river as may be necessary or convenient and may do and execute every other work and thing necessary or convenient for any of the purposes aforesaid.

Powers to make works in connection with bridges etc.

10—11. [Power to the Board to make subsidiary works, and to alter water, gas, and other pipes. Spent.]

12. The Board may from time to time make such regulations with respect to the navigation of the River Thames at and near Hammersmith Bridge . . . by this Act authorised as they may think necessary or expedient. Provided always that no such regulation shall be of any force or effect unless and until the same has

Power to Board to regulate navigation near works in River Thames.

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

been approved by the Conservators. [*Words omitted ("and the temporary bridge") spent.*]

13—14. [*Power to the Board to deviate and to stop traffic during works. Spent.*]

Carriage and
footways
maintenance
repair and
lighting.

15. The Board may cause such parts of Hammersmith Bridge when altered and reconstructed as aforesaid and the approaches thereto to be laid out for carriageways and such parts thereof for footways as they may think proper and may sewer level pave metal flag channel and complete such roads and ways and the said bridge when altered or reconstructed and laid out as aforesaid and the roads and footways over the same shall be public highways but the said bridge shall not be or become a county bridge * and the said bridge and the roads and ways over the same shall be maintained and repaired by the Board and the approach roads to the said bridge so altered and reconstructed as aforesaid shall be public highways and shall be maintained and repaired and lighted as other public highways by the road authorities of the districts in which the same shall be situate respectively. Provided always that the Board may execute all such works and do all such acts in under or upon the approach roads to the said bridge as they may think proper for preserving and improving the said bridge and the works connected therewith and the stability thereof and may for such purpose enter upon break and open the soil and pavement of such approach roads and any sewers drains or tunnels within or under such approach roads causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said roads and sewers drains or tunnels to the same condition as they were in before such breaking and opening.

Lights to be
exhibited on
bridges and
works.

16. During the alteration and reconstruction of Hammersmith Bridge . . . authorised by this Act and of the works connected therewith respectively the Board shall hang out or exhibit thereat or near thereto and for ever after the completion of the alteration and reconstruction as aforesaid of Hammersmith Bridge the Board shall hang out or exhibit upon such bridge every night from sunset to sunrise lights to be kept burning by and at the expense of the Board and proper and sufficient for the navigation and safe guidance of vessels and the lights shall be from time to time altered by the Board in such manner and be of such kind and number and be so placed as the Conservators shall by writing under the hand of their secretary approve and in case the Board neglect to exhibit or keep such lights burning as aforesaid they shall forfeit and pay for every such offence the sum of ten pounds. [*Part omitted (as to the temporary bridge) spent.*]

Towing path
and access to
be kept open.

17. The Board shall not at any time interfere with the existing towing-path on the Surrey side of the river underneath Hammersmith Bridge so as to prevent the effective use thereof . . . and shall for ever afterwards keep open for the whole width of the altered or reconstructed bridge a towing-path and means of access thereto on the Surrey side of the river of the same width respectively as now existing. [*Part omitted (as to access to towing path during works) spent.*]

As to dredg-
ing near
Hammer-
smith Bridge.

18. Nothing in this Act shall prevent the Conservators from dredging from time to time and at all times in the channel of the River Thames under and near the existing Hammersmith Bridge

* See 58 & 59 Vict. c. cxxvii. s. 46.

the altered or reconstructed bridge . . . to a depth of twenty feet below Trinity high water level. Provided that they shall not lower the bed of the river to any greater depth than twelve feet below Trinity high water within fifty feet of the north pier of the said bridge and shall not deepen the bed of the river below its present level on the north side of the northern pier or on the southern side of the southern pier of the reconstructed bridge. [*Part omitted (as to the temporary bridge) spent.*]

19—22. [*Works on the river to be executed under direction of the Conservators—As to interference with and taking gravel from the bed of the river. Spent.*]

23. [*Saving the rights of the Conservators.*]

24. [*As to the removal of the temporary bridge and sale of materials thereof. Spent.*]

25. With respect to the alteration reconstruction and main-
tenance of Hammersmith Bridge . . . by this Act . . . authorised
the following provisions for the protection of the Company of
Proprietors of the West Middlesex Waterworks* (hereinafter
called the Water Company) and of the reservoirs embankments
mains sluices and other works of the Water Company situate in the
parish of Barnes shall apply and be observed unless otherwise
agreed between the Water Company and the Board:—

For the pro-
tection of
the West
Middlesex
Waterworks
Company.

- (1) In the construction or for any purpose of their said works respectively the Board shall not dig excavate remove or otherwise (except as hereinafter expressly provided) interfere with any part of the reservoir of the Water Company shewn on the deposited plans or of the embankment thereof or of the main for supplying the same with water or the sluice connected with the said main or any other work of the Water Company ;
- (2) The south-west abutment of the reconstructed bridge and the foundation or anchorage for the chains of the said bridge and the excavation and other works and operations for the purposes thereof and connected therewith shall be executed in such a manner as not to damage the said reservoir and in executing the same the Board shall not interfere with the said embankment further than is actually necessary ;
- (6) The sluice for regulating the supply of water to the said reservoir and the spindle of such sluice shall be protected by a proper and sufficient cover or guard-box in such a manner that it shall be at all times capable of being worked by the Water Company or their officers or servants ;
- (7) All the works hereinbefore provided for shall be executed to the reasonable satisfaction of the Water Company's engineer and the Board shall pay the reasonable expenses incurred by the Water Company and their engineer in or about or in any way relating or preliminary to the matters provided for by this section ;
- (8) If by reason of the execution of any of the works or any proceedings of the Board or the failure of any works or any act or omission of the Board or of the contractor or of any person in the employ of the Board or of their contractors or otherwise any works of the Water Company

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

shall be injured or damaged such injury or damage shall be forthwith made good and such works shall be restored by the Board at their own expense to the reasonable satisfaction of the Water Company's engineer or in the event of the Board failing to make good such injury and restore such works then the Water Company may make good and restore the same and the Board shall pay to the Water Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such injury or damage such costs expenses and compensation to be recoverable from the Board in any court of competent jurisdiction ;

- (9) If any difference shall arise between the Board and the Water Company touching or concerning the true intent and meaning of this section or the mode of giving effect thereto every such difference shall be settled by arbitration in accordance with the provisions of the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration ;

- (10) Except as in this Act specially provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the Water Company.

[*Part omitted (as to the temporary bridge) spent.*]

No main or pipe to be laid on Hammersmith Bridge except with consent of Board.

26. Notwithstanding anything in any Act to the contrary it shall not be lawful (except in cases of emergency arising from accidental causes) for any company or person to enter upon break up or interfere with Hammersmith Bridge after the alteration and reconstruction thereof as aforesaid or the roads and footways over the same respectively for the purpose of laying down any main or pipe or executing any work therein thereon or thereunder except with the consent of the Board in writing which shall not be unreasonably withheld and in accordance with such reasonable terms and conditions not being the exaction of any rent as the Board may determine. Provided that nothing in this section contained shall alter or affect any of the provisions of the Telegraph Act 1878.

Providing for gas mains.

27. In reconstructing Hammersmith Bridge the Board shall leave a space under the footway on each side of the bridge sufficient to accommodate one gas main or pipe with a diameter of one foot.

28. [*Period for completion of works limited to 6 years. Spent.*]

29—43. [*Errors and omissions in plans—Power to the Board to enter and survey lands to be taken—As to acquisition of lands—Deficiencies in land tax during works—Power to the Board to sell materials, and to lease surplus lands—As to sale of ground rents and reversions of such lands—Power to sell such lands without leasing, and to let or exchange and to sell such lands—Receipts of the Board to be effectual discharges—Period for compulsory purchase of lands limited to 3 years. Spent.*]

44—49. [*Board to purchase the undertaking of the Greenwich and Poplar Ferry Company (Potter's Ferry)—Provisions as to purchase and application of consideration—Winding up of Company. Spent.*]

Certain licenses and

50. The transfer of the undertaking of the Poplar and Greenwich Ferry Company under this Act shall be subject to the following

licenses for the enjoyment of easements granted by the said Company contract continued.
that is to say—

Name.	Date.	Nature of Easement.	Amount of Rent.
Millwall Dock Company	16th August 1875	Drainage under East Ferry Road.	£1 per year.
Millwall Iron Works	27th November 1875	Tramway across West Ferry Road.	£1 per year.
Do.	29th August 1879	Do.	£2 per year.
Cutler and Sons	28th December 1878	Do.	£2 per year.

All which licenses shall continue in force for the full term which they shall then respectively have to run and shall in all respects be binding upon the Board of Works for the Poplar District.*

51. *[Company's books to be evidence for distribution of their assets. Spent.]*

52. When the receipt for the amount of the consideration agreed upon or so ascertained as aforesaid to be paid for the purchase of the undertaking of the Poplar and Greenwich Ferry Company has been signed in manner directed by this Act then the said undertaking shall by virtue thereof and of this Act be transferred to and shall vest in the Board and except as by this Act expressly provided they shall be entitled to immediate possession and have absolute control of the said undertaking freed and discharged from all leases contracts debts charges and liabilities whatsoever of the said Company affecting the same and thereupon all duties obligations and liabilities of the said Company in respect of the same including any duty obligation or liability as to the ferry shall save as by this Act expressly provided absolutely cease and determine but thereafter no tolls or charges shall be demanded or taken and no rates or assessments shall be made laid assessed or levied by the Board under the Ferry Acts and the powers of the said Acts with respect thereto shall be extinguished and the Board shall not be required or compelled to provide any ferry across the River Thames. Provided always that the transfer of the undertaking in manner aforesaid shall be subject to the lease of 1868 and the same shall during the continuance of the term of 48 years thereby limited continue in full force and effect as though this Act had not been passed and all lands tenements and hereditaments and all the estate and interest therein and all rights powers authorities privileges benefits and advantages thereby granted or demised shall continue unaffected by this Act and as though this Act had not been passed and from and after the said transfer the said lease shall be read as though the Board were the lessors instead of the Poplar and Greenwich Ferry Company. From and after the transfer of the said undertaking to the Board as hereinbefore provided the roads known as the East and West Ferry Roads in the parish of Poplar shall by virtue of this Act be transferred to and shall vest in the Board of Works for the district of Poplar* and all tolls and charges in respect of the use of the said East and West Ferry Roads shall cease to be levied thereon and the said East and West Ferry Roads shall be dedicated to the public and may be used free from tolls or charges and the said roads shall be maintained repaired and lighted in the same manner as other highways within the jurisdiction of the said Board of Works for the District of Poplar.*

* Now the Council of the Metropolitan Borough of Poplar. See 62 & 63 Vict. c. 14, s. 4.

53. [*As to pending actions and proceedings. Spent.*]

Compensation to officers etc. of Poplar and Greenwich Ferry Company.

54. When the Board has acquired absolute control of the undertaking of the Poplar and Greenwich Ferry Company subject to the lease of 1868 the Board shall grant by way of compensation for the abolition of office an allowance to the clerk and to the surveyor and tolls manager of the said Company subject to the following conditions :—

- (1) That such clerk and surveyor and tolls manager shall be in the actual employment of the said Company immediately before the Board obtained absolute control of the said undertaking and shall have been in such employment for a continuous period of not less than two years previous to the first day of January one thousand eight hundred and eighty-three :
- (2) That the amount of such allowance shall be such as would be payable on retirement to such clerk and surveyor and tolls manager under section two of the Superannuation Act 1859 in the event of his having served in an established capacity in the permanent civil service of the State for the same time as in the service of the said Company, and if ten years were added to the number of years he may have actually served ;
- (3) That in estimating such allowance the amount of the salary upon which the same shall be calculated shall be taken on the average of the salary actually received by the person to be compensated during the two years next preceding such first day of January one thousand eight hundred and eighty-three ;
- (4) That no such allowance shall exceed two-thirds of the salary upon which the same shall be estimated.

Every such allowance shall be payable by two equal half-yearly payments the first of such payments to be made at the expiration of six months from the date when the Board shall have acquired absolute control subject to the lease of 1868 over the said undertaking. Provided always that the Board may at any time agree with any person entitled to any allowance under this enactment for the commutation of such allowance and that where any such allowance is payable to any person in respect of more than one office or in respect of the duties of offices which may have been consolidated into one office the allowance shall be estimated separately in respect of each of the said offices or of the duties of each of the said offices so consolidated into one.

55. [*Dissolution of the Ferry Company. Spent.*]

Expenses incurred by Board in obtaining a copy of poor rate to be either paid as general expenses or charged upon vestry etc. making default.

56. Where after the neglect or default of any vestry district board or other body or person to pay the amount or any part of the amount required by any precept to be paid to the Board by such vestry district board or other body or person within the time specified in such precept the Board have obtained any copy of any rate or of any copy of any rate contained in any book in pursuance of the provisions of the fifteenth section of the Metropolis Management Amendment Act 1862 then and in every such case where not less than fourteen days previous notice of the intention to procure a copy of such rate has been given by the Board to the vestry district board or other body or person so neglecting or defaulting the Board may charge the expenses incurred by them in obtaining such copy

upon the vestry district board or other body or person so neglecting or defaulting and include the same amongst the moneys which such vestry district board or other body or person may be required to raise and collect by virtue of any precept issued by the Board and directed to such vestry district board or other body or person.

57. [*Expenses of obtaining Act. Spent.*]

CHAPTER CLXXVIII.

AN ACT FOR ENABLING THE METROPOLITAN BOARD OF WORKS TO MAKE CERTAIN NEW STREETS AND STREET IMPROVEMENTS IN THE METROPOLIS AND FOR OTHER PURPOSES.

[2nd August 1883.]

[*Preamble recites (inter alia) that the Metropolitan Board of Works have caused to be deposited with the Clerks of the Peace for Middlesex and Surrey plans and sections and a book of reference (describing the new streets and the street improvements), herein referred to as the deposited plans sections and book of reference.*]

1. This Act may be cited as the Metropolitan Street Improvements Act, 1883. Short title.

2. [*Incorporation of Lands Clauses Acts. Spent.*]

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say): Interpretation of terms.

“The Board” means the Metropolitan Board of Works*;

“Metropolis” means the metropolis as defined by the Metropolis Management Act 1855;

“Improvements” means the new streets widenings and improvements of streets and works connected therewith respectively by this Act authorised;

“Street” shall have the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same;

[*Part omitted (definitions of “Justice,” “two Justices,” “lessee,” and “person,” and as to meanings of words in Acts incorporated) spent.*]

4—5. [*Board to execute Act—Power to act by committee. Super-seded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

6. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make and carry into execution all or any of the new streets widenings and improvements of streets in the counties of Middlesex† and Surrey† herein-after described (that is to say):—

Power to Board to make new streets and street improvements.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

IN THE COUNTY OF MIDDLESEX.*

1.—Widening of Upper Street Islington.

The widening of Upper Street Islington wholly in the parish of St. Mary Islington partly on the east and partly on the west side of Upper Street. The widening on the east side commencing at the north end of Islington Green and terminating at the Unitarian Chapel between Cross Street and Florence Street. The widening on the west side commencing opposite the police station which adjoins the said Unitarian Chapel at the junction of Waterloo Terrace with Upper Street and terminating at the junction of Barnsbury Street with Upper Street.

2.—Widening of Green Street Bethnal Green.

The widening of Green Street Bethnal Green in the parish of St. Matthew Bethnal Green on the north side commencing at Victoria Park Square and terminating at Globe Road.

3.—Widening of Little York Street Bethnal Green.

The widening of Little York Street at the eastern end and on the north side wholly in the parish of St. Matthew Bethnal Green and extending for a distance of about 20 yards from the junction of Little York Street with Club Row.

4.—Tower Hill Improvement.

A new street in continuation of the street authorised by the Metropolitan and Metropolitan District Railways (City Lines and Extensions) Act 1879 commencing within the district or liberty of the Tower at or near the junction of that street with Trinity Square and terminating in the district or liberty of the Tower or the precinct of Old Tower without at the drinking fountain at the southern end of the Minories.

And in connexion with the said last-mentioned improvement and for the purposes thereof the alteration and setting back of part of the fence enclosing the ornamental garden in Trinity Square and the appropriation and utilisation of a portion of the said garden within the said district or liberty of the Tower.

5.—Hammersmith Improvement.

The widening of King Street East on its north side in the parish of St. Peter and St. Paul Hammersmith such widening to commence at the Broadway and to terminate at a point about 130 yards to the east of Rowan Road. Also the widening of Brook Green Road on its west side, in the same parish, such widening to commence at the Broadway and to terminate at the south side of the fire brigade station in Brook Green Road.

6.—Hampstead Improvements.

A new street wholly in the parish of St. John Hampstead commencing in High Street Hampstead opposite its junction with Heath Street consisting in part of a widening of Church Place on its east side and terminating at the junction of Church Place with Church Lane.

The widening of High Street on its west side commencing at its junction with the intended new street lastly herein-before

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

described and terminating at a point 60 yards or thereabouts to the north of Church Lane together with a footway to connect the said new street with High Street as widened in or about the line of Wells Buildings.

IN THE COUNTY OF SURREY.*

7.—Bermondsey Improvement.

A street improvement wholly in the parish of St. Mary Magdalen Bermondsey commencing at the junction of Star Corner with Abbey Street and terminating at the junction of Bermondsey New Road with Rothsay Street consisting of the widening of Star Corner on the eastern side from Abbey Street to Grange Road and the widening of the Bermondsey New Road on the western side from Edward Street to Rothsay Street.

8.—Widening of Walworth Road.

The widening of Walworth Road on the south-western side wholly in the parish of St. Mary Newington commencing at Hampton Street and terminating at Thomas's Place.

And in connexion with the said last-mentioned improvement and for the purposes thereof

The alteration of the bridge carrying the London Chatham and Dover Railway over Walworth Road between the commencement and termination of the said widening and the setting back of the pier or abutment on the south-western side of the said bridge.

9.—South Lambeth Improvement.

A new street wholly in the parish of St. Mary Lambeth commencing on the western side of the South Lambeth Road at the junction therewith of Wilcox Road and terminating in the South Lambeth Road opposite Walton Terrace.

7. For the protection of the Metropolitan Railway Company.
If by reason of the execution of any of the works of the Board or the failure of any such works or any act or omission of the Board or of their contractors or otherwise the railway or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Board at their own expense or in the event of their failing so to do then the Railway Company may make good the same and recover the expense thereof with full costs against the Board in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic of the Railway Company by reason of any of the matters or causes aforesaid the Board shall pay to that Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by that Company from the Board in any court of competent jurisdiction.
Nothing in this Act contained shall extend to diminish prejudice alter or take away any of the rights privileges or powers of the Railway Company otherwise than as is herein expressly provided.

[*Parts omitted (certain lands not to be taken and provisions applying during execution of works) spent.*]

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

8—10. [*Power to the Board to stop up ways during works, to raise or lower streets, and to deviate. Spent.*]

11. [*Power to the Board to make subsidiary works and to alter drains and sewers on providing substitutes, which are to be under the same management as existing drains and sewers.*]

12—13. [*Power to the Board to alter water, gas, and other pipes and to lay out carriageways and footways, etc. Spent.*]

14. [*As to the laying of pavements and vesting of the same when laid in and as to the maintenance thereof by the vestry* or board of works* of the parish or district in which the same is situate.*]

15. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

16. [*Power to the Board to alter steps, areas, pipes, etc. Spent.*]

17. [*Ground laid into the streets to form part thereof and to be maintained by the vestry* or board of works* of the parish or district within which the same is situate.*]

18—23. [*Period for completion of works limited to 7 years—Errors and omissions in plans—Power to survey property to be taken—Power to take lands—Removal of human remains from the churchyard of St. Mary Islington. Spent.*]

24. With respect to the widening of the Walworth Road by this Act authorised and the alterations thereby rendered necessary in the structure of the bridge carrying the railways of the London Chatham and Dover Railway Company over the Walworth Road the following provisions shall apply:—

The Board shall be responsible for and make good to the said Railway Company all costs losses damages and expenses which may be occasioned to that Company or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the works by this Act authorised under the railways of the said Railway Company or of any act or omission of the Board or of their contractors or of the persons in their employ and the Board shall effectually indemnify and hold harmless the said Railway Company from all claims and demands upon or against them by reason or arising out of such execution or failure or of any such act or omission.

Any difference which may arise between the Board and the said Railway Company as to any matter under this section shall be from time to time referred to and determined by an arbitrator to be agreed on by the parties within one week after such difference has arisen or as failing such agreement to be appointed on the application of either party by the Board of Trade and the costs of the arbitration shall be borne as the arbitrator shall direct.

[*Parts omitted (provisions applying during execution of works) spent.*]

25—29. [*Power to the Board to take parts only of the properties mentioned in the schedule to the Act—As to arbitration—Deficiencies in land tax during works—Power to sell materials. Spent.*]

30—32. [*Power to the Board to lease surplus lands—As to sale of ground rents and reversions thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. cccxxvii. s. 23. See ibid. ss. 19—22.*]

* Now the council of the metropolitan borough. See 62 & 63 Vict. c. 14, s. 4.

33. The Board may from time to time let either from year to year or for a term at rack rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for any of the purposes of this Act and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

Board may let lands.

34. [*Board to sell surplus lands within such time as they think fit. Superseded 47 & 48 Vict. c. 50, s. 23.*]

35. The receipt of the Board or of any person duly authorised by the Board for any purchase-moneys rents or profits or other money payable to the Board by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Receipts of Board to be effectual discharges.

36—38. [*Period for compulsory purchase of lands limited to 5 years—Rehousing of working class persons. Spent.*]

39. [*Separate accounts as to Hampstead improvements. Superseded 51 & 52 Vict. c. 41, s. 71.*]

40—41. [*Hampstead Vestry to contribute to the Hampstead improvements up to one-half the cost thereof. Spent.*]

42. Subject to the provisions of this Act the Board may at any time within two years from the passing of this Act purchase and take the footbridge over the Grand Junction Canal in the parish of Paddington which connects Ranelagh Road with Formosa Street and also the footbridge over the said canal in the parish of St. Luke Chelsea (detached) known as the Wedlake Street Footbridge which connects Wedlake Street with the Harrow Road together with the approaches thereto and the stairs and works connected therewith respectively as shown on the deposited plans and described in the deposited book of reference and the right or easement to maintain alter widen or improve for the use of the public the said footbridges respectively or two other footbridges in lieu thereof but in the same respective positions across the said canal and towing-paths thereof and the owners of and parties interested in the same respectively shall when required so to do by the Board sell and grant the same to the Board provided always that the Board shall not acquire any estate or interest in any land or property of the Company of Proprietors of the Grand Junction Canal other than the right or easement before-mentioned.

Power to take footbridges over Grand Junction Canal.

[*Part omitted (as to assessment of consideration) spent.*]

43. Forthwith after the Board have acquired the said footbridge (in the parish of Paddington) and the said approaches thereto and the works connected therewith and such right or easement in respect thereof as aforesaid the same shall by virtue of this Act be deemed to be transferred to and shall vest in the vestry of the parish of Paddington* and they shall be entitled to immediate possession thereof and they shall subject to the other provisions of this Act have absolute control of the said footbridge freed and discharged from all leases contracts debts charges and liabilities whatsoever affecting the same and thereupon all tolls and charges previous to

Footbridge in Paddington parish after its acquisition by Board to be transferred to vestry of Paddington

* Now the Council of the Metropolitan Borough of Paddington. See 62 & 63 Vict. c. 14, s. 4.

the passing of this Act demanded or taken in respect of the use of the same shall cease to be demanded or taken and the said footbridge and approaches shall be dedicated to the public as a public highway free from toll and shall be maintained repaired and lighted by the said vestry in the same manner as other public highways in the said parish.

Wedlake's
Street foot-
bridge after
its acqui-
sition to be
transferred to
vestry of
Chelsea.

44. Forthwith after the Board have acquired the said Wedlake Street footbridge and the approaches thereto and the works connected therewith and such right or easement in respect thereof as aforesaid the same shall by virtue of this Act be deemed to be transferred to and shall vest in the vestry of the parish of Chelsea* and they shall be entitled to immediate possession thereof and they shall subject to the other provisions of this Act have absolute control of the said footbridge freed and discharged from all leases contracts debts charges and liabilities whatsoever affecting the same and thereupon all tolls and charges previous to the passing of this Act demanded or taken in respect of the use of the same shall cease to be demanded or taken and the said footbridge and approaches shall be dedicated to the public as a public highway free from toll and shall be maintained repaired and lighted by the said vestry in the same manner as other public highways in the said parish.

Power to
vestries to
repair and
rebuild foot-
bridges.

45. For the purposes of maintaining repairing altering improving widening or rebuilding either of the said footbridges the vestry of the parish† in which such footbridge is situated shall have and may exercise all such powers for executing works and otherwise in relation thereto as they may from time to time require and may from time to time enter upon and use the said Grand Junction Canal the towing paths and the banks thereof and may do and execute all such works acts matters and things as may be necessary for any of the purposes aforesaid. Provided always that all works executed by such vestry under the authority of this Act which shall affect the said canal towing paths and banks or other property of the Company of Proprietors of the Grand Junction Canal or structurally affect the said footbridges shall be done under the superintendence of an engineer to be from time to time appointed for the purpose of such superintendence by the said Company at the request in writing and at the cost of such vestry unless the said Company refuses or neglects to give such superintendence at the time specified in such request or discontinue the same during the execution of such works and that such works shall be executed according to plans sections and specifications previously submitted to and reasonably approved by and to the reasonable satisfaction of such engineer and that the said footbridges shall at all times remain and be used as footbridges only and provided that no works shall be executed under the authority of this Act which shall lessen the clear span or headway of the present bridges or the width of the towing paths under the same and that in the event of the said bridges or either of them being rebuilt the same shall be constructed so as to be carried across the said canal and the towing paths on each side thereof by single spans with a clear headway at every point of not less than ten feet above the weir level of the said canal at the point of crossing and that all works and operations of such vestry their agents contractors servants and workmen under this Act shall be

* Now the Council of the Metropolitan Borough of Chelsea. See 62 & 63 Vict. c. 14, s. 4.

† Now the council of the metropolitan borough. See 62 & 63 Vict. c. 14, s. 4.

carried out so as not at any time to obstruct or impede the free passage of boats barges or other vessels along the said canal or of the horses or other animals towing the same or to cause any damage to the said canal, or the towing paths or works thereof or any leakage or escape of water from the said canal. Provided also that in the event of the said bridges or either of them or any future bridges being at any time out of repair or of any obstruction or impediment being caused to the free navigation of the canal or the traffic along the towing paths or of any damage to the said canal or towing paths or works thereof or of any leakage or escape of water from the said canal being occasioned by the works or operations of such vestry or their agents contractors servants or workmen such vestry shall forthwith repair such bridges remove such obstruction or impediment restore and make good such damage or prevent such leakage or escape of water as the case may be, and in their default or in case of emergency the said Company may do the same and the said Company may recover from such vestry in any court of competent jurisdiction any costs incurred by them under this Act and any damages or expenses which they may sustain or be put to in consequence of any of the before-mentioned matters and provided further that compensation shall be made by such vestry for any lands entered upon or used or injuriously affected under the authority of this section and that except as otherwise expressly provided nothing in this Act contained shall take away diminish or affect any of the rights privileges or powers vested in the said Company by Act of Parliament or otherwise.

* 46. The vestry of the parish of Chelsea† shall keep separate accounts of all expenses incurred by them in each and every year terminating at the end of their financial year in relation to the Wedlake Street footbridge and for carrying into effect the provisions of this Act with respect thereto (herein-after referred to as "footbridge expenses") and the said vestry shall furnish a copy of every such yearly account when audited to the vestries† of the parishes of Paddington and Kensington within ten days after the audit of the same.

As to contributions by vestries of Paddington and Kensington to vestry of Chelsea in relation to Wedlake Street footbridge.

The vestries of the parishes of Paddington† and Kensington† shall contribute towards the amount of the footbridge expenses from time to time incurred by the said vestry of the parish of Chelsea† in each and every year such sums as may from time to time be agreed upon between the said three vestries or as failing such agreement may be determined by the Board at the request of any of the said vestries.

The Board for the purpose of determining any question arising under this section shall refer the same to some committee of the Board then appointed and such committee shall have full power and authority to hear and determine such question and may order the costs of such hearing and determination to be borne and paid by all or any such vestries and in such proportions as they may think fit.

The sums from time to time agreed or determined as by this Act provided to be paid by the vestries of Paddington† and Kensington† by way of contribution towards the footbridge expenses incurred by the said vestry of the parish of Chelsea shall be deemed to be

* The contributions referred to in this section have not been dealt with in any adjustment scheme under 62 & 63 Vict. c. 11.

† Now the Councils of the Metropolitan Boroughs of Chelsea and Paddington and the Royal Borough of Kensington.

part of the expenses incurred by the said vestries respectively in the maintenance and repair of highways within the said parishes respectively and may be raised accordingly and all moneys raised by the said vestries respectively from time to time for the purpose of defraying the expenses incurred by them in the maintenance and repair of highways within the said parishes respectively shall be applied in the first instance towards the payment of all moneys from time to time due by them on account of the said sums payable by them under this Act by way of contribution towards the said footbridge expenses.

Power to
Board to
make agree-
ments with
owners of
property, etc.

47. The Board may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any of the improvements with respect to the sale by the Board to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare acquired by the Board under the powers of this Act and not required for any of the purposes of this Act) for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration by such person the grant of any lands or other property required by the Board for the purposes of this Act.

48. [*Saving the rights of the Crown.*]

49. [*Expenses of obtaining Act. Spent.*]

SCHEDULE. [*Description of properties of which the Board may take parts only. Spent.*]

47 & 48 VICTORIA. A.D. 1884.

CHAPTER 5.

AN ACT TO AMEND THE VALUATION (METROPOLIS) ACT, 1869, BY GIVING GREATER FACILITIES FOR APPEAL TO OWNERS AND LESSEES OF HOUSES PAYING RATES AND TAXES IN THE PLACE OF THE OCCUPIERS. [28th March 1884.]

[*Preamble (reciting 32 & 33 Vict. c. 67) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Short title
and con-
struction.

1. This Act may be cited as the Valuation (Metropolis) Amendment Act, 1884, and shall be read and construed as one Act with the Valuation (Metropolis) Act, 1869 (herein-after called the principal Act).

Enabling
owners and
lessees to
appeal.

2. [*Repeal of s. 70 of 32 & 33 Vict. c. 67.*] . . . Where the owner or lessee of any hereditament is liable to be assessed for any rate or tax in the place of the occupier or tenant,* or does in fact pay any such rate or tax in his place under any contract or arrangement with him, such owner or lessee shall for the purposes of this Act and the Acts incorporated therewith be deemed to be the occupier of such hereditament, and the person referred to as the ratepayer in sections nineteen and thirty-two of the principal Act, and the

* See the Poor Rate Assessment and Collection Act 1869, ss. 3—4 (see Appendix).

person who is to make to the overseers of his parish the statement or return referred to in the fifty-fifth section of the principal Act.

Provided, that any form of return, order, notice, or document required to be given to or served on the occupier under the principal Act shall, except where the owner or lessee is liable to be assessed to or to pay any rate or tax in the place of the occupier, be deemed to be sufficiently given or served, notwithstanding this Act, if addressed to such occupier and left on the premises to which the return, order, notice, or document relates. [*Part omitted (repeal of s. 70 of 32 & 33 Vict. c. 67) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

3. Where any occupier or ratepayer, or any owner or lessee deemed to be an occupier or ratepayer within the meaning of section two of this Act, shall object to the valuation list in respect of any hereditaments, whether consisting of a house or houses subdivided into tenements separately assessed as hereditaments or of separate houses or tenements not so subdivided, it shall be lawful for him to include in any one notice made in pursuance of section thirty-three of the principal Act or otherwise, or in any one objection, appeal, or other proceeding under the principal Act and the Acts incorporated therewith, the whole or any one or more of the hereditaments separately assessed and comprised in one valuation list of which he is or is deemed to be the occupier or ratepayer.

One notice or objection may include one or more separately assessed hereditaments.

CHAPTER 17.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL ASSISTANT COMMISSIONER OF POLICE OF THE METROPOLIS AND FOR OTHER PURPOSES RELATING TO THE COMMISSIONER AND ASSISTANT COMMISSIONERS OF SUCH POLICE.

[23rd June 1884.]

[*Preamble (reciting 19 & 20 Vict. c. 2, and 31 & 32 Vict. c. 67) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

1. This Act may be cited as the Metropolitan Police Act, 1884. Short title.

[*Part omitted (assignment of short titles to the Acts in the schedule and provision that this Act and those Acts may be cited as the Metropolitan Police Acts 1829—1884) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

2. It shall be lawful for Her Majesty to appoint a fit person to be a third assistant commissioner of police of the metropolis, and the Metropolitan Police Act, 1856, and the Police Rate Act, 1868, shall apply in like manner as if three assistant commissioners of police of the metropolis were therein mentioned instead of two.

Appointment of additional assistant commissioner. 19 & 20 Vict. c. 2.

Provided that the salary and allowances of the assistant commissioner appointed in pursuance of this Act shall be paid as part of the expenses of the Metropolitan Police. [*Proviso rep. 62 & 63 Vict. c. 26, s. 1, with saving for existing officers.*]

31 & 32 Vict. c. 67.

3. (1.) Section three of the Police Rate Act, 1868, with respect to the allowances to an assistant commissioner of police shall apply as if the commissioner of police of the metropolis were therein mentioned as well as the assistant commissioners.

Amendment of 31 & 32 Vict. c. 67. s. 3, and 38 & 39 Vict. c. 28.

(2.) The Metropolitan Police Staff (Superannuation) Act, 1875, shall apply to the commissioner and assistant commissioners of the

Metropolitan Police so far as respects any salary, remuneration, or emolument received or enjoyed by any of them out of the expenses of the Metropolitan Police Force.

[Subsection (1) *rep.* 62 & 63 *Vict. c.* 26, *s.* 1 (4), with saving for existing officers.]

SCHEDULE. [Setting out the short titles assigned to 10 *Geo.* 4, *c.* 44; 2 & 3 *Vict. c.* 47; 19 & 20 *Vict. c.* 2; 20 & 21 *Vict. c.* 64; 24 & 25 *Vict. c.* 124; 31 & 32 *Vict. c.* 67; and 38 & 39 *Vict. c.* 28. *Rep.* 61 & 62 *Vict. c.* 22 (*S.L.R.*).]

CHAPTER 50.

AN ACT FURTHER TO AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES. [7th August 1884.]

[Preamble *rep.* 61 & 62 *Vict. c.* 22 (*S.L.R.*).]

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1884, and the Metropolitan Board of Works (Money) Acts, 1875 to 1883, and this Act, may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1884.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1883.

3—7. [Definitions of the expressions "*Parks and Open Spaces Acts*" and "*Main Drainage Acts*"—Amendment of *ss.* 11 and 12 of 46 & 47 *Vict. c.* 27—Power to the Board to expend moneys for sundry purposes during the year 1885. *Rep.* 61 & 62 *Vict. c.* 22 (*S.L.R.*).]

Special power to expend money for purposes of main drainage and main sewers.

8. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same, for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section; and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [Part omitted (as to power to expend money for purposes of main drainage and main sewers) *rep.* 61 & 62 *Vict. c.* 22 (*S.L.R.*).]

Power to lend to vestries, district boards, corporations, burial boards, etc.

9. Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree: Provided that the time after the borrowing within which such moneys shall be repaid to the Board shall not exceed in the case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years. Provided further that nothing in section twelve of the Metropolitan Board of Works (Money) Act, 1879; in section eleven of the Metropolitan Board of Works (Money) Act, 1880; in section fifteen of the Metropolitan Board of Works (Money) Act, 1881; in section thirteen of the Metropolitan Board of Works (Money) Act, 1882; in section ten

of the Act of 1883, or in this section, shall be deemed to have prevented or to prevent the Board from agreeing that any such loan as is in the said sections respectively mentioned, and which has been or may be made by the Board to any vestry or district board, shall be repaid by such instalments or otherwise, and at such time or times (not exceeding the times by the said sections respectively prescribed) as the Board may think fit and the Treasury may approve. *[Part omitted (power to the Board to lend to vestries and district boards, etc., till 31st December 1885) rep. 61 & 62 Vict. c. 22 (S.L.R.).]*

10. *[Power to the Board to lend to guardians till 31st December 1885. Rep. 61 and 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.]*

11. *[Extension of amount which the Board may lend to the Managers of the Metropolitan Asylum District. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]*

12. *[Power to the Board to lend till 31st December 1885 to the School Board for London. Rep. 61 and 62 Vict. c. 22 (S.L.R.).—Provision as to repayment within a period not exceeding 50 years. Superseded 2 Edw. 7, c. 42, s. 5, and 2nd schedule, and 3 Edw. 7, c. 24, s. 1.]*

13.

Where the Board under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within thirty years from the date of such loan, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any lesser period for which the same may be made, an amount of consolidated stock equal to that so created; and

Power to raise consolidated stock.

Where the Board are by this Act authorised to make a loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payments of the dividends on consolidated stock. Provided that no such moneys shall be used for any such loan which shall be repayable at any date later than the date at which such moneys will be required by the Board to pay off consolidated stock; and

Where the Board raise consolidated stock for the purpose of any scheme made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875,* or the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882,* and confirmed by Provisional Order and Act of Parliament, there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875,*) to the consolidated rate out of the local rate as defined by the said last-mentioned Act, all moneys required for payment of dividends on and the redemption of all consolidated stock created for such purpose.

[Part omitted (as to power to the Board to create consolidated stock for the purposes of this Act) rep. 61 & 62 Vict. c. 22 (S.L.R.).]

* Rep. and replaced by the Housing of the Working Classes Act 1890.

14—20. [*As to ratification of the Board's expenditure for fire brigade purposes till 31st December 1883, and as to Metropolitan Bills. Rep 61 & 62 Vict. c. 22 (S.L.R.).*]

Repayments
to be carried
to Consoli-
dated Loans
Fund.

21. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

22. [*As to limit to the exercise of borrowing powers. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

As to sale of
superfluous
lands.

23. Notwithstanding anything in any Act of Parliament contained the prescribed period within which the Board shall absolutely sell and dispose of any lands acquired by the Board for the purposes of any street improvement or widening, or for the purposes of any approach to any bridge, and not required for such purposes under any Act of Parliament passed before the first day of January one thousand eight hundred and eighty-one, shall be the sixth day of October one thousand nine hundred and twenty-nine, and as to any Act of Parliament passed in or subsequently to the year one thousand eight hundred and eighty-one shall be the first day of February one thousand nine hundred and forty-one, being the respective dates at which the consolidated stocks raised to defray the expenses of the Board in carrying into effect the said purposes, are respectively by law required to be redeemed. Provided always, that the Board may sell and dispose of any such superfluous lands at any time within the respective periods herein-before prescribed. All moneys received by the Board from the sale or disposition of such superfluous lands shall (except where otherwise specially provided by any Act) be carried by the Board to the Consolidated Loans Fund. [*See also 32 & 33 Vict. c. 102, s. 27; and 53 & 54 Vict. c. 41, s. 24.*]

FIRST SCHEDULE. [*Particulars of new money powers conferred by this Act. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

SECOND SCHEDULE. [*List of the Parks and Open Spaces Acts referred to in s. 3. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

CHAPTER II.

AN ACT TO CONFIRM A SCHEME UNDER THE METROPOLITAN COMMONS ACT, 1866, AND THE METROPOLITAN COMMONS (AMENDMENT) ACT, 1869, RELATING TO STREATHAM COMMON.
[28th April 1884.]

[*Preamble recites that the Land Commissioners for England have, in pursuance of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, duly certified a Scheme for the establishment of local management with respect to Streatham Common, situate in the county of Surrey.**]

Scheme as to
Streatham
Common
confirmed.

1. The Scheme for the establishment of local management with respect to Streatham Common, situate in the county of Surrey,* certified by the Land Commissioners for England† under their seal on the twenty-ninth day of December one thousand eight hundred and eighty-three, and contained in the schedule hereunto annexed, is hereby confirmed.

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the Board of Agriculture. See the Board of Agriculture Act 1889, s. 2.

2. This Act may be cited for all purposes as the Metropolitan ^{Short title.} Commons Supplemental Act, 1884.

SCHEDULE.

METROPOLITAN COMMONS ACTS, 1866 and 1869.

Scheme with respect to Streatham Common.

1. Streatham Common, herein-after called "the Common," in the county of Surrey,* as the same is delineated in a plan deposited with the Land Commissioners for England, shall henceforth for all the purposes of this Scheme be regulated and managed by the Metropolitan Board of Works,† herein-after termed "the Board."

2. [Power to appoint and regulate officers. Superseded by the *Municipal Corporations Act 1882*, ss. 19 and 20 (see *Appendix*), and 51 & 52 Vict. c. 41, s. 75. See also 18 & 19 Vict. c. 120, ss. 202 and 203.]

3. The Board may execute any works of drainage and improvement of the Common so far only as may be required for the purposes of the Metropolitan Commons Acts, and may, subject to such notices and proceedings (if any) as are by law required, divert, alter, and stop up existing footpaths and ways, and may lay out and make new footpaths and ways in substitution for or in addition to the same, and shall preserve the turf and grass, and for this purpose may enclose by fences for short periods, such portions as may require rest to revive the same, and shall also preserve the trees, shrubs, and plants, and so much of the gorse as they may deem desirable; and they may plant or otherwise beautify the Common, and may provide and place seats and other conveniences (if any) for the accommodation of the public in suitable parts of the same, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the Common. No house or any other building shall be erected on the Common, except such lodges or other buildings as may be necessary for the maintenance or management of the Common. The Board may from time to time erect on the Common such lodges and other buildings as may be necessary for the maintenance or management of the Common. [See also 50 & 51 Vict. c. cvii. s. 50, and 58 & 59 Vict. c. cxxvii. s. 45.]

4. The Board shall maintain the Common as delineated in the said plan deposited with the Land Commissioners,† and therein described as the Upper Common and the Lower Common, free of all encroachment, and shall permit no trespass on or partial or other enclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board, but nothing in this section contained shall prevent the lords of the manor or their tenants or others, upon one month's notice given by such lords to the Board, from fencing off and appropriating the strip of land between the roadway and the plot of ground numbered six hundred and eighty-one on the said plan.

5—6. [*As to byelaws.* Superseded 53 & 54 Vict. c. cclxliii. ss. 14—21, and 61 & 62 Vict. c. cxxxi. s. 61.]

7. The Board shall permit under regulations cricket and football to be played upon any part of the Lower Common, except the portions to be appropriated for riding purposes and the local cricket clubs, as herein-after mentioned, and the Board may restrict or prohibit or permit under regulations, as the Board may think fit, the playing of other games on the Upper Common, and except as aforesaid on the Lower Common.

8. The piece of ground now enclosed with chains at or near the spot marked C on the said plan having for a long series of years been kept in order by the local cricket clubs for matches, the Board shall reserve the said piece of ground exclusively for the matches of the clubs now using it, and of such other local clubs as shall be authorised by the Board before the first day of February in any year, so long as such clubs or some of them shall keep the said piece of ground in order, or at the option of the Board shall contribute in equal shares such sums as shall be required for that purpose.

9. The Board shall appropriate for riding, and under regulations the exercise of horses, the strip or piece of ground forming the outer margin of the Lower Common, to the width of forty feet, and shall also permit riding on the piece of

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

ground of the same width crossing diagonally the Upper Common, and marked "ride" on the said plan.

10. Except for the owner or owners for the time being of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature, in, into, or under any part or parts of the Common.

11. Except for those persons who now by law are entitled to do so, and whose rights shall not be purchased, acquired, or extinguished by the Board under this Scheme, it shall not be lawful to turn out on the Common for grazing any cattle, sheep, or other animals.

12. Nothing herein contained shall be construed as placing any of the public roads or highways on, across, or adjoining the Common under the care of the Board, or shall prevent the Vestry of Streatham* or the legally constituted road authority, by their officers and servants, taking such portions of the Common as they may require for the purpose of widening, with the consent in writing of the Board, the said roads or highways to the width of forty feet: but it shall not be lawful for the said Vestry or any other person or persons to make or form any new roads over and across the Common without the consent in writing of the Board.

13. [*Expenses of obtaining and of executing Scheme. Spent in part. Remr. superseded 51 & 52 Vict. c. 41, part iv., and by the London County Council (Money) Acts 1885—1904.*]

14. The Board shall be at liberty to receive and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

15. No proceeding touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.

16. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting the Common, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament, except only so far as any such estates, interests, or rights shall be purchased, acquired, or extinguished by the Board, whether by agreement or compulsorily, as herein-after provided.

17. The lords of the manor of Fauxhall, otherwise Vauxhall, in the county of Surrey,† claim the soil and freehold of the Common, and the mineral and valuable strata in or under the same. Rights of common of pasturage are claimed by certain owners and occupiers of freehold and copyhold lands and tenements within the manor as appendant or appurtenant to such lands and tenements. The right to take ice from one of the ponds on the Common is also claimed by the occupier of the messuage and premises known as "the Rookery," adjoining the Common.

18. The Scheme affects the several estates, interests, and rights of a profitable or beneficial nature, in, over, and affecting the Common only so far as is absolutely necessary for the purposes of the Scheme, that is to say, by conferring on the Board powers of management, improvement, and control as herein-before provided, and for such purposes the power of restricting, diminishing, or extinguishing such estates, interests, or rights, or any of them, whenever it shall appear to the Board that the continuance of such estates, interests, or rights will interfere with the control, preservation, or improvement of the Common by the Board, or with any of the purposes of this Scheme, upon payment by the Board of compensation to the bodies or persons severally interested in such estates, interests, or rights. The amount (if any) to be paid by the Board to such bodies or persons as and for compensation in respect of the restriction, diminution, or extinction of such estates, interests, and rights shall be settled by agreement, or failing agreement, then under the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, so far as the same relate to the purchase and taking of lands otherwise than by agreement, including therein the several provisions relating to the compensation for common or waste lands, and thereupon the several provisions of such portion of the Lands Clauses

* Now the Council of the Metropolitan Borough of Wandsworth. See 62 & 63 Vict. c. 14, s. 4.

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

Consolidation Act, 1845, and the Acts amending the same, shall apply as if in all cases the word "lands" included interests, rights, and easements.

19. The lords of the manor assent to their rights being affected in the manner and to the extent herein expressed, but subject and without prejudice to the rights of the said lords of the manor to the gravel, mines, and minerals in and under the Common, and so that in the event of any parts of the Common being required by any railway company or any other public company or body under any legislative compulsory powers but not otherwise for the purposes of their undertaking the lords of the manor shall be entitled to the purchase money or compensation for the same, which they would have been entitled to receive in case this Scheme had not been made, their rights being only affected during and for the purposes of this Scheme, and also upon the express understanding that if at any time the said lords of the manor desire to fence off and appropriate or allow their tenants or others to fence off and appropriate the strip of land between the plot of ground numbered six hundred and eighty-one on the said plan and the roadway, they shall be permitted to do so after one month's notice in writing given to the Board. The several owners and occupiers who claim rights of common over the Common have not assented to or dissented from the Scheme.

20. Printed copies of the Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same at a price not exceeding sixpence each.

The Land Commissioners for England, pursuant to the provisions of the Metropolitan Commons Acts, 1866 and 1869, hereby certify the foregoing Scheme.

In witness whereof they have hereunto affixed their official seal this twentieth day of December one thousand eight hundred and eighty-three.

L.S.

CHAPTER CCXXIII.

AN ACT FOR ENABLING THE METROPOLITAN BOARD OF WORKS TO MAKE CERTAIN NEW STREETS IN THE METROPOLIS; FOR AMENDING THE METROPOLITAN STREET IMPROVEMENTS ACT 1877; FOR CONFERRING FURTHER POWERS UPON THE SAID BOARD WITH RESPECT TO PLUMSTEAD COMMON AND HACKNEY COMMONS; AND FOR OTHER PURPOSES. [7th August 1884.]

[*Preamble recites* (inter alia) 35 & 36 Vict. c. xliii.; 40 & 41 Vict. c. ccxxxv.; and 44 & 45 Vict. c. cxlviii.]

PART I.

Preliminary.

1. This Act may be cited as the Metropolitan Board of Works Short title. (Various Powers) Act 1884.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

"The Board" means the Metropolitan Board of Works * :

"The Act of 1877" means the Metropolitan Street Improvements Act 1877 ;

"The improvements" means the new streets and the works connected therewith respectively by this Act authorised.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

“Street” shall have the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same.

[Parts omitted (definitions of “the Lands Clauses Acts,” “metropolis,” “Justice,” “lessee,” and “person,” and as to the meanings of words in Acts incorporated) spent.]

Division of
Act into
parts.

3. This Act is divided into parts as follows—

- I. Preliminary.
- II. New Streets.
- III. Amendment of Act of 1877.
- IV. Acquisition of Lands.
- V. Hackney Commons.
- VI. Miscellaneous.

4. [*Incorporation of Lands Clauses Acts. Spent.*]

5—6. [*Board to execute Act—Board may act by committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

PART II.

New Streets.

Power to
Board to
make new
streets.

7. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make and carry into execution all or any of the new streets herein-after described (that is to say) :—

IN THE COUNTY OF MIDDLESEX.*

1. *St. Pancras Improvement.*

A new street in continuation of Clarence Road commencing in the Kentish Town Road at the junction therewith of Clarence Road and terminating at the junction of Great College Street and King’s Road wholly in the parish of St. Pancras.

2. *Poplar Improvement.*

A new street connecting Cotton Street with Preston’s Road all in the parish of All Saints’ Poplar commencing in Cotton Street at its junction with Wells Street, and terminating in Preston’s Road at its junction with Bedford Street.

8—10. [*Power to the Board to stop up ways during works, to raise or lower streets, and to deviate. Spent.*]

11. [*Power to the Board to make subsidiary works, to stop up and appropriate streets, to alter sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

12—13. [*Power to the Board to alter water, gas, and other pipes, and to lay out carriageways and footways, and to provide vaults and other works and conveniences. Spent.*]

14. [*As to laying of pavements and resting the same when laid in the vestry or the district board of the parish† or district† within which the same are situate with the liability to repair the same.*]

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

15. [Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.]

16. [Power to the Board to alter steps, areas, pipes, etc. Spent.]

17. [Ground laid into streets to form part thereof and to be under the management of the vestry of the parish * or district board of the district * within which it is situate.]

18—31. [Time for completion of works limited to 5 years—Errors and omissions in plans—Powers to the Board to enter upon and survey lands to be taken, and to take lands, and to appropriate to the Poplar improvement so much of the lands authorised to be acquired by 42 & 43 Vict. c. lxxix. as is within the limits of deviation for the Poplar improvement—Provisions as to acquisition of lands and as to compensation—Board to redeem land tax on lands acquired within 6 months after the acquisition thereof—Power to the Board to sell materials, to grant building leases of lands not wanted—Ground rents and reversions thereof to be sold—Power to sell such land without leasing, and to let or exchange lands—Board to sell surplus lands within such time as they think fit. Spent.]

32. [Receipts of the Board to be effectual discharges.]

33. [Period for compulsory purchase limited to 3 years. Spent.]

34. The Board may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any of the improvements with respect to the sale by the Board to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare acquired by the Board under the powers of this Act and not required for such of the improvements) for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration by such person the grant of any lands or other property required by the Board for the purposes of this Act.

Power to Board to make agreements with owners of property etc.

35—37. [Board to keep separate accounts of the Poplar improvement—Poplar District Board to contribute up to half the cost of the same. Spent.]

PART III.

Amendment of Act of 1877.

38—41. [Extension for 3 years of the period limited by 40 & 41 Vict. c. ccxxxv. s. 31 for taking lands, and amendment of s. 33 thereof (provision of labouring class dwellings). Spent.]

PART IV.

Acquisition of Lands.

Gray's Inn Road Improvement.

42. [Power to the Board within 3 years from the passing of this Act to take the lands in St. Andrew, Holborn, shown on the deposited plans for the purpose of the Gray's Inn Road improvement authorised by 40 & 41 Vict. c. ccxxxv. Amended 50 & 51 Vict. c. cvi. s. 51, and spent.]

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

Plumstead Common.

Power to
Board to
improve
Plumstead
Common.

43. Subject to the provisions of this Act the Board may enlarge and improve Plumstead Common by the addition thereto of certain waste lands known as Sot's Hole in the parish of Plumstead and county of Kent* delineated on the deposited plans and described in the deposited book of reference and may for such purpose enter upon take and use the said lands.

All lands in the parish of Plumstead acquired by the Board under the powers of this Act shall forthwith thereafter be added to become and be part of Plumstead Common and the same shall be subject to the exercise of all rights in over or upon Plumstead Common in all respects as though the said lands so added formed part of the lands immediately before the passing of this Act subject to the provisions of the Plumstead Common Act 1878 and the provisions of the said Act shall extend and apply to the lands so added as though the same were included in the lands immediately before the passing of this Act subject to the provisions of the said Act. . . . [Part omitted (as to byelaws) superseded 53 & 54 Vict. c. cexliiii. ss. 14—21, and 61 & 62 Vict. c. cexxi. s. 61.]

PART V.

Hackney Commons.

Interpreta-
tion of term
Hackney
Commons.

44. In this part of this Act the expression "Hackney Commons as shown on the deposited plans" means the several pieces of land shown on the deposited plans coloured green thereon and thereon described as lands intended to be treated as part of "Hackney Commons."

Vesting of
Hackney
Commons in
the Board.

45. From and after the passing of this Act all such parts of Hackney Commons as shown on the deposited plans as were not immediately before the passing of this Act absolutely vested in the Board in fee simple are hereby vested absolutely in the Board in fee simple and the Board shall from and after the passing of this Act hold Hackney Commons as shown on the deposited plans (excepting any highways thereon) discharged from all estates interests rights titles charges and incumbrances whatsoever in to over or affecting the same or any part thereof but subject to the provisions contained in the Metropolitan Commons Supplemental Act 1872 and the scheme thereby confirmed with reference to Hackney Commons as defined by the said last-mentioned Act and scheme and the Acts altering amending or affecting the same as varied by this part of this Act and the Metropolitan Commons Supplemental Act 1872 and the said scheme and the Acts altering amending or affecting the same. . . . [Part omitted (as to byelaws) superseded 53 & 54 Vict. c. cexliiii. ss. 14—21, and 61 & 62 Vict. c. cexxi. s. 61. See also *ibid.* s. 47.]

46—47. [Provisions as to compensation. Spent.]

Appointment
of standing
arbitrator.

48. For the purpose of determining the amount of compensation in respect of any claim by this part of this Act directed to be determined by arbitration there shall be a standing arbitrator appointed and acting as follows (that is to say):—

(1.) The Board of Trade shall as soon as may be after the passing of this Act by writing under the hand of a secretary or an

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

assistant secretary of the said Board appoint a person to act as such standing arbitrator.

- (2.) Any standing arbitrator may be removed from his office by the Board of Trade by writing under the hand of a secretary or an assistant secretary of the said Board.
- (3.) If any standing arbitrator dies or resigns or is removed from office the Board of Trade shall in manner aforesaid within one month after notice of his death resignation or removal appoint another person to be a standing arbitrator in his place.

Before any standing arbitrator enters upon the duties of his office he shall in the presence of a Justice make and subscribe the following declaration (that is to say):—

I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability hear and determine all matters which may from time to time be referred to me under the provisions of Part V. of the Metropolitan Board of Works (Various Powers) Act 1884.

And if a standing arbitrator having made such declaration wilfully acts contrary thereto he shall be guilty of a misdemeanor.

49. The Board may from time to time as the consideration or part of the consideration for the purchase of lands or for any consideration which they may deem of public advantage grant (for a limited time or in perpetuity) to any person upon such terms and conditions as may be agreed upon between the Board and such person any right or easement in over or affecting Hackney Commons as shown on the deposited plans or any part thereof. Provided that the standing arbitrator shall at the request of the Board award that instead of making compensation for any private right of way over Hackney Commons the Board shall permit such private right of way to be exercised and enjoyed by any person entitled thereto as before the passing of this Act.

Power to Board to grant rights or easements over Hackney Commons.

And the standing arbitrator may if he thinks fit at the request of the Board and with the consent of any person entitled to compensation under this part of this Act award that the Board shall grant and thereupon the Board shall grant any such right or easement as aforesaid to such person in satisfaction wholly or in part of such compensation. Provided that no such right or easement shall be such as in the opinion of the Board shall be inconsistent with the due execution by the Board of the provisions of the Metropolitan Commons Supplemental Act 1872 and the scheme thereby confirmed as varied by this part of this Act.

The Board may from time to time by agreement with any person who may by or by virtue of any such agreement or award as aforesaid for the time being be entitled to any such right or easement in over or affecting Hackney Commons as shown on the deposited plans purchase or acquire such right or easement on such terms and conditions as the Board shall think fit.

Any person empowered by the Lands Clauses Acts or the Settled Land Act 1882 to sell and convey or release lands may subject to the provisions of the said Acts enter into any such agreement with the Board for the sale or release of any such right or easement as aforesaid.

50. The Board may from time to time by agreement with any person exchange any lands forming part of Hackney Commons as

Power to Board to

exchange
lands.

shown on the deposited plans for any other lands adjoining which the Board may think it desirable to substitute for such first-mentioned lands.

Any lands given by the Board in exchange under the authority of this part of this Act shall thereupon cease to form any part of Hackney Commons as shown on the deposited plans although the same be shown on the deposited plans as part thereof.

Any lands taken by the Board in exchange under the authority of this part of this Act shall thereupon be deemed to be and shall be held by the Board together with and as though the same were part of Hackney Commons as shown on the deposited plans and this part of this Act shall be construed accordingly.

Any person empowered by the Lands Clauses Acts or the Settled Land Act 1882 to sell and convey or release lands may subject to the provisions of the said Acts enter into any such agreement with the Board for exchange of lands as aforesaid.

Powers of
Board as to
roads over
Hackney
Commons.

51. The Board may from time to time open or make or permit and suffer any person (upon such terms and conditions as the Board may think fit) to open or make any foot carriage or other way over Hackney Commons as shown on the deposited plans or any part thereof which the Board may deem proper for the use of the public. Provided always that until such way shall become repairable by the inhabitants at large the same shall continue subject to all by-laws for the time being in force with respect to Hackney Commons as shown on the deposited plans.

52. [*Pending actions concerning Hackney Commons may be pursued as though this Act had not been passed. Spent.*]

53. [*Saving for the Great Eastern Railway Company.*]

PART VI.

Miscellaneous.

54. [*Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv., and by the London County Council Money Acts 1885—1904.*]

55. [*Expenses of obtaining Act. Spent.*]

SCHEDULE. [*Description of properties to be taken, to which s. 92 of the Lands Clauses Act 1845 is not to apply. Spent.*]

CHAPTER CCXXVIII.

AN ACT FOR ENABLING THE METROPOLITAN BOARD OF WORKS TO ALTER THE SITUATION OF THE NEW BATTERSEA BRIDGE AUTHORIZED BY THE METROPOLITAN BRIDGES ACT 1881 AND FOR OTHER PURPOSES. [7th August 1884.]

[*Preamble recites that by 44 & 45 Vict. c. xcii. the Board were empowered (inter alia) to construct a new bridge over the Thames at Battersea with approaches but have not yet constructed the same, and that it is expedient that the bridge should be constructed in an altered position, and recites the deposit of plans with the Clerks of the Peace for Middlesex and Surrey.*]

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Bridges) Act 1884.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

Interpretation of terms.

“The Board” means the Metropolitan Board of Works *;

“The Act of 1881” means the Metropolitan Bridges Act 1881;

“The Act of 1883” means the Metropolitan Board of Works (Bridges, etc.) Act 1883;

“The works by this Act authorised” includes the new Battersea Bridge and the widening of Battersea Bridge Road and the new road in the parish of St. Mary Battersea by this Act respectively authorised and the viaducts embankments piers walls fences drains stairs buildings works and conveniences connected with the said new bridge and widening and with the said new road respectively by this Act authorised;

[Parts omitted (definitions of “Lands Clauses Acts,” “Justice,” “lessee,” and “person,” and as to meanings of words in Acts incorporated) spent.]

3. [Incorporation of Lands Clauses Acts. Spent.]

4—5. [Board to execute Act—Board may act by committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.]

6. Subject to the provisions of this Act the Board may make new Battersea Bridge authorised by the Act of 1881 in the altered position shown on the deposited plans instead of in the position shown on the plans deposited for the purposes of the Act of 1881 and may in the lines according to the levels and within the limits of deviation shown on the deposited plans make and (except as otherwise by this Act expressly provided) maintain the said bridge and the new road and road widening hereinafter mentioned that is to say:—

Power to make alteration as to new Battersea Bridge authorised by Act of 1881.

A new road wholly in the parish of St. Mary Battersea commencing in the Battersea Bridge Road at its junction with Little Europa Place continued along the present line of the said place to a point in line with and thence to and along Cottage Place and terminating at the northernmost end of Cottage Place where it joins “The Folly” and

The widening of Battersea Bridge Road in the same parish on the western side thereof from the termination of new Battersea Bridge to Bridge Road West.

And in connection therewith all such viaducts embankments piers wharves walls fences drains stairs buildings and all such works and conveniences as they may deem proper. And all the provisions of the Act of 1881 as amended by this Act with respect to new Battersea Bridge and the works connected therewith shall extend and apply to the works authorised by this Act as though the same were authorised by the Act of 1881. Provided always that the works authorised by the Act of 1881 and therein described as new Battersea Bridge shall not (so far as they are different from the works by this section authorised) be made by the Board and that the Board shall not make the approach road to new Battersea Bridge in the county of Surrey † and parish of St. Mary Battersea

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

shown on the plans and sections deposited for the purposes of the Act of 1881.

7. [*Power to the Board to remove the existing Battersea Bridge. Spent.*]

8—12. [*As to property of William Farnell Watson, the London Steamboat Company, Ltd., and Mr. Hazell—Power to the Board to deviate, to stop up streets during works, and to alter steps, areas, and pipes. Spent.*]

Power to appropriate roads to use of the public.

13. The Board may appropriate and dedicate to the use of the public the whole of any road or way whether a thoroughfare or not within the limits of deviation shown on the deposited plans and forthwith thereafter the same shall be a public highway and shall be maintained repaired and lighted as other public highways by the road authority of the district in which the same is situate. Provided always that the Board shall not be liable to make compensation to any person in respect of the appropriation or dedication of such road or way or in respect of the site or soil of such road or way or of any part thereof.

No main or pipe to be laid on works authorised except with consent of Board.

14. Notwithstanding anything in any Act to the contrary it shall not be lawful for any company or person to enter upon break up or interfere with the bridge by this Act authorised or the road and footways over the same for the purpose of laying down any main or pipe or executing any work therein thereon or thereunder except with the consent of the Board in writing and in accordance with such terms and conditions not being the exaction of any rent as the Board may determine. Provided that nothing in this section contained shall alter or affect any of the provisions of the Telegraph Act 1878 or of the Electric Lighting Act 1882.

15—23. [*Period for completion of works limited to 4 years—Errors and omissions in plans—Power to the Board to enter and survey lands to be taken—As to acquisition of lands—Board to redeem land tax on lands acquired within 6 months after the acquisition thereof—Power to the Board to sell materials. Spent.*]

24—26. [*Power to the Board to grant building leases of surplus lands—As to sale of ground-rents and reversions thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. ccxxxvii. s. 23. See ibid. ss. 19—22.*]

Board may let or exchange lands.

27. The Board may from time to time let either from year to year or for a less period or for a term at rack-rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for any of the purposes of this Act and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

Board to dispose of lands not wanted.

28. Subject to the provisions of this Act the Board shall within such period as they may think fit (which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845) after the completion of any of the works by this Act authorised for the purposes of which any lands have been acquired sell and dispose of to any person or persons and grant and convey such parts of such lands as they may have acquired under the powers of this Act and which shall not be required for any of the purposes of this Act. [*See also 47 & 48 Vict. c. 50, s. 23.*]

29. The receipt of the Board or of any person duly authorised by the Board for any purchase-moneys rents or profits or money payable to the Board by virtue of the Act of 1881 the Act of 1883 or this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received and such money shall be applied by the Board towards the expenses of the Board in executing the works by the said Acts and this Act authorised.

Receipts of Board to be effectual discharges.

30—32. [*Period for compulsory purchase of lands limited to 3 years—As to rehousing working class persons. Spent.*]

33. [*Power to the Board to make agreements with owners of property. Identical with such powers in 46 & 47 Vict. c. clxxviii. s. 47.*]

34. The Board may defray the expenses from time to time incurred by them after the passing of this Act in the execution of the Act of 1881 the Act of 1883 (except section fifty-six thereof and including the expenses of lighting the bridges required by the said Acts to be maintained by the Board) and of this Act and not by either of the said Acts or this Act or any other Act otherwise expressly provided for. . . . [*Part omitted (expenses to be defrayed as if expenses of the Board under 18 & 19 Vict. c. 120) superseded 51 & 52 Vict. c. 41, part iv.*]

Power of Board to defray expenses under Act of 1881 Act of 1883 or this Act and raising of same by general rate.

35. [*Saving the rights of the Commissioners of Works.*]

36. [*Saving the rights of the Crown.*]

37. [*Expenses of obtaining Act. Spent.*]

48 & 49 VICTORIA. A.D. 1885.

CHAPTER 33.

AN ACT TO AMEND THE METROPOLIS MANAGEMENT ACTS.

[31st July 1885.]

[*Preamble (reciting 18 & 19 Vict. c. 120) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

1. [*Vestries of St. Mary Islington, Lambeth, St. Pancras, St. Mary Abbott Kensington, and the Wandsworth District Board of Works to each elect 3 members, and the Vestries of Camberwell and Puddington and the District Boards of Works of Greenwich, Hackney, and Poplar to each elect 2 members of the Metropolitan Board of Works. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

2. [*The districts of Plumstead and Lewisham to cease to be united for the purpose of electing a member of the Metropolitan Board of Works and to each elect a separate member. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

3. . . . The vestries of the respective parishes of St. Peter and St. Paul, Hammersmith and Fulham, shall . . . be incorporated, and shall have all such powers and be subject to all such provisions as if they had been named in Part II. of Schedule A. to the said recited Act. [*See 62 & 63 Vict. c. 14, s. 1.*]

Separation of Fulham and Hammersmith.

[*Parts omitted (dissolution of the Fulham District Board of Works*

(from and after 25th March 1886) and as to election of members of the Metropolitan Board of Works) rep. 61 & 62 Vict. c. 22 (S.L.R.).]

4—5. [As to term of office and election, etc. of members of the Metropolitan Board of Works. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

Acts to be construed as one Act.
Hammer-smith and Fulham Dis-trict Board.

6. The said recited Act, and the Acts amending the same, and this Act shall be construed together as one Act.

7. All byelaws and regulations made by the Board of Works for the district of Fulham, and subsisting at the dissolution of the said Board, shall continue in force in the parishes of Saint Peter and Saint Paul, Hammersmith, and Fulham, until repealed or altered in accordance with the law applicable thereto.

[Part omitted (as to apportionment of property, claims, demands, debts, and liabilities) rep. 61 & 62 Vict. c. 22 (S.L.R.).]

Fulham dis-trict officers.

8. If any of the officers in the service of the Board of Works for the district of Fulham* shall, within one year from the dissolution of the said District Board, be appointed to an office in the service of the vestry of either of the said parishes of Saint Peter and Saint Paul, Hammersmith, or Fulham, the time during which he shall have been in the service of the said District Board shall, in computing the time of his service for the purpose of superannuation under the Act passed in the twenty-ninth year of Her present Majesty, chapter thirty-one, intituled "An Act to provide for Superannuation Allowances to Officers of Vestries and other Boards within the area of the Metropolis Local Management Act," be added to the time during which he shall have been in the service of such vestry.

Short title.

9. This Act may be cited for all purposes as the Metropolis Management Amendment Act, 1885.

CHAPTER 50.

AN ACT FURTHER TO AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES. [6th August 1885.]

[Preamble rep. 61 & 62 Vict. c. 22 (S.L.R.).]

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1885, and the Metropolitan Board of Works (Money) Acts, 1875 to 1884, and this Act, may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1885.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1884.

3—9. [Interpretation of the expressions "Parks and Open Spaces Acts" and "Main Drainage Acts"—Amendment of ss. 7, 10, and 12 of 47 & 48 Vict. c. 50—Power to the Board to expend moneys for sundry purposes during 1885. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

Special power to expend money for purposes of main drain-age and main sewers.

10. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amend-ing the same, for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in

* Now the Council of the Metropolitan Borough of Fulham. See 62 & 63 Vict. c. 14, s. 4.

force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section : and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [*Part omitted (as to power to the Board to expend not exceeding £85,000 during the year ending 31st December 1886 for the purposes of main drainage and main sewers) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

11.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree : Provided that the time after the borrowing within which such moneys shall be repaid to the Board shall not exceed in the case of a loan for purposes of improvements in relation to streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years : Provided further, that nothing in this section shall be deemed to prevent the Board from agreeing that any such loan as is in this section mentioned, and which may be made by the Board to any vestry or district board, shall be repaid in one sum or by such instalments or otherwise and at such time or times (not exceeding the times by this section prescribed) as the Board may think fit and the Treasury may approve.

Power to lend to vestries, district boards, corporations, burial boards, etc.

[*Part omitted (as to power to the Board to lend till 31st December 1886 to vestries and district boards and other public bodies paying rates in the metropolis) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

12. [*Power to the Board to lend to guardians till 31st December 1886. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.*]

13. [*Extension of amount which the Board may lend to the Managers of the Metropolitan Asylum District. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

14. [*Power to the Board to lend till 31st December 1886 to the School Board for London. Rep. 61 & 62 Vict. c. 22 (S.L.R.).—Provision as to repayment within a period not exceeding 50 years. Superseded 2 Edw. 7, c. 42, s. 5, and 2nd schedule; and 3 Edw. 7, c. 24, s. 1.*]

15. Where under the authority of this or any other Act the Board lend any moneys to any corporation, body of commissioners, public body, or persons, the exercise of whose powers of borrowing is subject to the consent of the Local Government Board, the sanction of that Board to the borrowing of such moneys shall in every such case be conclusive evidence that such corporation, body of commissioners, public body, or persons had power to borrow such moneys.

Protection of Board in case of certain loans.

16.

Where the Board under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within thirty years from the date of such loan, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem

Power to raise consolidated stock.

within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any lesser period for which the same may be made, an amount of consolidated stock equal to that so created ; and

Where the Board are by this Act authorised to make a loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payments of the dividends on consolidated stock. Provided that no such moneys shall be used for any such loan which shall be repayable at any date later than the date at which such moneys will be required by the Board to pay off consolidated stock ; and

Where the Board shall be of opinion that any moneys by this Act authorised to be raised for any purpose should be paid off within a period of thirty years or any lesser period, the Board instead of raising such moneys by the creation of consolidated stock may with the approval of the Treasury, use for such purpose any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payments of the dividends on consolidated stock. Provided that no such moneys shall be so used unless provision shall be made in such manner as the Treasury approve for paying off the same at or before the date at which such moneys will be required by the Board to pay off consolidated stock ; and in every such case the Board shall from time to time raise as part of the consolidated rate such sums as the Treasury approve as being in their opinion sufficient for the payment of the interest on and for paying off the moneys used for such purpose at the date approved by the Treasury as aforesaid, and such sums shall from time to time be carried by the Board to the Consolidated Loans Fund.

Where the Board raise consolidated stock for the purpose of any scheme made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875,* or the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882,* and confirmed by Provisional Order and Act of Parliament, there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875,*) to the consolidated rate out of the local rate as defined by the said last-mentioned Act, all moneys required for payment of dividends on and the redemption of all consolidated stock created for such purpose.

[*Part omitted (as to power to raise consolidated stock for the purposes of this Act) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

17. The Board may from time to time within twelve months after the issue of consolidated stock carry to the dividend account in the Consolidated Loans Fund for the purpose of providing for the payment of dividends on such stock from the dates fixed at the time of such issue though the same may be earlier than the dates fixed for receiving the cash instalments on account of such loan so much of the moneys arising from the issue of such stock as they may require for that purpose, and as the Treasury approve and may from time to time apply the moneys so carried to such dividend account to the payment of such dividends.

18—24. [*Ratification of the Board's expenditure for Fire Brigade*

* Rep. and replaced by the Housing of the Working Classes Act 1890.

Power for Board after issue of stock to apply moneys raised by stock to make up dividends from fixed dates.

purposes till 31st December 1884—Power to the Board to raise money by metropolitan bills and provisions relating thereto—Limit on borrowing in s. 38 of 32 & 33 Vict. c. 102, not to extend to moneys raised under this Act. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]

25. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund. Repayments to be carried to Consolidated Loans Fund.

26. [*Limit to exercise of borrowing powers. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

27. In the following provisions of this Act relating to unclaimed stock, unclaimed dividends, and unclaimed redemption moneys, the words, terms, and expressions following shall have the meanings herein-after assigned to them respectively, that is to say : Interpretation of words, etc. in following provisions as to unclaimed stock, dividends, and redemption moneys.

“Stock” shall mean any metropolitan consolidated stock heretofore created by the Board, or which the Board may hereafter be authorised to create, and includes any share or interest therein ;

“The bank” means the persons or body corporate who keep the books for the transfer of stock ;

“The books of the bank” means the books for the transfer of stock.

Provided, that in the event of the Bank of England ceasing to be the bank within the meaning herein-before assigned to the same term, the terms Governor and Deputy-Governor of the Bank of England shall be construed to mean respectively manager and assistant-manager of the bank, and the terms Accountant-General and Deputy Accountant-General of the Bank of England shall be construed to mean respectively the secretary and assistant-secretary of the bank.

28. All stock, no dividend whereon is claimed for ten years or more (except where payment of dividend has been restrained by a court of justice) shall be transferred in the books of the bank to the Board to an account to be entitled “The Metropolitan Board of Works Unclaimed Stock Account.” Transfer of unclaimed stock to Board.

29. Immediately after every such transfer the name in which the stock stood immediately before the transfer, the residence and description of the parties, the amount transferred, and the date of transfer shall be entered in a list to be kept for the purpose by the bank. The bank shall during the six months next previous to such transfer, give notice in writing to the stockholder at his registered address, of the impending transfer to the Metropolitan Board of Works. List of names from which stock transferred.

30. Every such transfer shall be made and signed by the Accountant-General or the Deputy Accountant-General of the Bank of England, and shall be as effectual to all intents as if signed by the person in whose name the stock then stands. Mode of transfer.

31. Where stock is transferred under this Act, all dividends accruing thereon after the transfer shall be paid to the Board, and shall be from time to time carried to the Consolidated Loans Fund, and may be applied by the Board to any of the purposes to which capital moneys forming part of the said fund are applicable : Provided always that the Consolidated Loans Fund shall thereafter be charged with the payment of the claims of the persons entitled to any of the moneys carried to the said fund under this section. Subsequent dividends on stock transferred to be invested, etc.

Re-transfer
and payment
to person
showing title.

32. The Governor or the Deputy-Governor of the Bank of England may direct the Accountant-General or the Deputy Accountant-General of the Bank of England to re-transfer any stock transferred under this Act to any person showing his right thereto to the satisfaction of the Governor or the Deputy-Governor of the Bank of England, and to pay the dividends due thereon as if the same had not been transferred or paid to the Board, and all moneys so paid on account of such dividends shall forthwith after notice of the payment of the same be repaid by the Board to the bank.

But in case the Governor or the Deputy-Governor of the Bank of England is not satisfied of the right of any person claiming to be entitled to any such stock or dividends, the claimant may by petition in a summary way state and verify his claim to the Chancery Division of the High Court. . . .

The petition shall be served on the Board, and the Court shall make such order thereon (either for re-transfer of the stock to which the petition relates, and payment of the dividends accrued thereon or otherwise) and touching the costs of the application as to the Court seem just.

All costs and expenses incurred by or on behalf of the Board in resisting or appearing on any such petition, if not ordered by the Court to be paid out of the stock and dividends thereby claimed, shall be paid by the Board out of the Consolidated Loans Fund.

Where any re-transfer or payment is made to any such claimant, either with or without the authority of the Court, the bank shall give notice thereof to the Board within three days after making the same.

[*Words omitted ("of Justice") rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Three months
notice before
re-transfer or
payment.

33. Stock exceeding the sum of twenty pounds shall not be re-transferred from the Board under this Act, nor shall dividends exceeding twenty pounds in the whole be paid to a claimant under this Act until three months after application made for the same nor until public notice has been given thereof, as in this Act is provided.

Advertise-
ments before
re-transfer or
payment.

34. The bank shall require the applicant to give such public notice as they think fit by advertisement in one or more newspapers circulating in London and elsewhere.

Every such notice shall state the name, residence, and description of the person in whose name the stock stood when transferred to the Board, the amount thereof, the name of the claimant, and the time at which the re-transfer thereof and payment of dividends will be made if no other claimant sooner appears and makes out his claim.

Where any such re-transfer or repayment is ordered by the Chancery Division of the High Court . . . , the notice shall also state the purport of the order. [*Note to s. 32 applies.*]

Application
to Court to
rescind order.

35. At any time before re-transfer of stock or payment of dividend as aforesaid to a claimant, any person may apply to the Chancery Division of the High Court . . . , by motion or petition, to rescind or vary any order made for re-transfer or payment thereof. [*Note to s. 32 applies.*]

Bank not
responsible
to second
claimant.

36. Where any stock or dividends having been re-transferred or paid as aforesaid to a claimant by the bank, is, or are afterwards claimed by another person, the bank and their officers shall not be responsible for the same to such other claimant, but he may have recourse against the person to whom the re-transfer or payment was made.

37. If in any case a new claimant establishes his title to any stock or dividends re-transferred or paid to a former claimant, and is unable to obtain transfer or payment thereof from the former claimant, the Chancery Division of the High Court . . . shall, on application by petition by the new claimant verified as the Court requires, order the Board to pay to him such moneys in respect of the stock and for dividend as the Court thinks just.

Order in favour of second claimant showing title.

Such payment shall be made out of the Consolidated Loans Fund or from other money at the disposal of the Board.

[*Note to s. 32 applies.*]

38. Where any dividend accrued due on any sum of stock is not claimed for ten years or more, the dividend so unclaimed and all dividends subsequently accrued due in respect of the same sum of stock and unclaimed shall be paid to the Board.

Payment of unclaimed dividends to Board.

All such dividends shall be held and dealt with in like manner as nearly as may be as the dividends accruing on stock transferred to the Board under this Act after the transfer, and this Act shall accordingly have effect in relation thereto, and to the application thereof, and claims to the same as if the foregoing provisions of this Act with respect to the dividends accruing on stock transferred to the Board under this Act were repeated and in terms made applicable thereto respectively.

39. All principal sums of money payable to any holder of stock redeemed by the Board which shall not be claimed for ten years after the day on which the same became due to such holder or for ten years after any dividend which accrued on such stock shall have been last claimed (except where payment of such principal sum or dividend shall have been restrained by a Court of Justice) shall together with all dividends due thereon be paid to the Board, and the receipt of the cashier of the Board for any such moneys shall be as effectual to all intents as if signed by the person in whose name the stock redeemed then stands, and thereupon the stock so redeemed shall be cancelled and all dividends and interest in respect thereof shall be extinguished, and all such moneys when received by the Board shall be from time to time carried to the Consolidated Loans Fund and may be applied by the Board to any of the purposes to which capital moneys forming part of the said fund are applicable. Provided always that the Consolidated Loans Fund shall thereafter be charged with the payment of the claims of the persons entitled to any of the moneys carried to the said fund under this section.

Unclaimed redemption money.

40. The Board may from time to time empower the bank to investigate the circumstances of any stock or dividends remaining unclaimed with a view to ascertain the owners thereof and allow to them such compensation as to the Board seems just for their trouble and expenses in that behalf.

Investigation of circumstances of unclaimed dividends.

41. The Board may from time to time allow to the bank a reasonable compensation for all expenses incurred by them in and about notices and advertisements directed by this Act and other services required or authorised by this Act.

Allowance of expenses to bank.

42. Compensation allowed by the Board under this Act may be deducted rateably from the stock and dividends from time to time re-transferred or paid with reference to which the trouble, expenses, and services have been incurred and performed by the bank, or the

Payment of compensation allowed.

same may be paid by the Board out of unclaimed stock or dividends transferred to or received by them.

Indemnity
to bank.

43. The bank and the Governor or the Deputy-Governor of the Bank of England are hereby indemnified in respect of every transfer or re-transfer of stock or payment of dividends or moneys under this Act and shall not be in any manner responsible to any person having or claiming any interest therein.

SCHEDULES.

FIRST SCHEDULE. [*Particulars of new money powers conferred by this Act. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

SECOND SCHEDULE. [*List of Parks and Open Spaces Acts referred to in s. 3. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

CHAPTER 68.

* AN ACT TO AMEND THE METROPOLITAN POLICE STAFF SUPER-
ANNUATION ACT, 1875. [14th August 1885.]

[*Preamble (reciting 38 & 39 Vict. c. 28) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Short title.

1. This Act may be cited as the Metropolitan Police Staff Superannuation Act, 1885.

This Act shall be construed as one with the Metropolitan Police Staff Superannuation Act, 1875, and together with that Act may be cited as the Metropolitan Police Staff Superannuation Acts, 1875 and 1885.

Amendment
of Order
under
38 & 39 Vict.
c. 28.

2. The Secretary of State may from time to time make a new Order in pursuance of section one of the Metropolitan Police Staff (Superannuation) Act, 1875, and may thereby revoke or vary any Order previously made in pursuance of that section, whether before or after the passing of this Act.

Provided that—

(a) any such Order shall not apply without his consent to any person holding office at the time when the order is made; and

(b) if any superannuation allowance has been granted before the making of the Order to any officer in pursuance of an Order made under the said Act the Secretary of State may, if he think fit, grant to such officer on his application a superannuation allowance in accordance with the new Order in lieu of the superannuation allowance previously granted.

Order in
schedule.

3. The regulations contained in the schedule to this Act shall have effect as if contained in an Order made by the Secretary of State in pursuance of the Metropolitan Police Staff (Superannuation) Act, 1875, as amended by this Act, and they shall accordingly be subject to the provisos subject to which an Order made in pursuance of this Act is subject.

SCHEDULE.

REGULATIONS.

Paragraph thirteen of the Order made by the Secretary of State in pursuance of the Metropolitan Police Staff Superannuation Act,

* Amended 60 & 61 Vict. c. 26, s. 5.

1875, and dated the first day of January one thousand eight hundred and seventy-six, shall be revoked, and the following paragraph shall have effect as if inserted in the Order in lieu thereof:

In substitution for Paragraph 13.

Where an officer holding any employment remunerated out of public moneys, and not in the police service, is appointed to the police service, the Secretary of State may grant to such officer, upon his ultimate retirement from the police service, the same superannuation, compensation, gratuity, or other allowance as he might have granted under this order if the whole period of the service of such officer in employments remunerated out of public moneys which has been practically continuous had been in the police service, subject nevertheless to a deduction of the amount of such pension, gratuity, or other allowance as may be otherwise allowed him in respect of his previous employment remunerated out of public moneys: Provided that if his service in his former employment has formed his qualification under an Order made in pursuance of Regulation four of this Order, either the period of his service in such employment or the number of years added by such Order may be reckoned, but both shall not be reckoned for the purpose of any such superannuation, compensation, gratuity, or other allowance to be granted in pursuance of this Order.

Right to superannuation allowance of officer transferred from other public employment to police service.

CHAPTER XCIX.

AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA SITUATED AT DEPTFORD WITHIN THE METROPOLIS. [22nd July 1885.]

[*Preamble.*]

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

2. This Act may be cited as the Metropolis (Hughes Fields, Deptford) Provisional Order Confirmation Act, 1885.

Order in schedule confirmed.
Short title.

SCHEDULE.

THE METROPOLIS (HUGHES FIELDS, DEPTFORD) IMPROVEMENT, 1885.

[*Provisional Order of the Home Secretary dated 23rd April 1885, confirming a Scheme of 31st October 1884, prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Acts 1875—1882, for the improvement of an unhealthy area in the parishes of St. Nicholas and St. Paul, Deptford, in the district of Greenwich. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 1,646, and that in addition there is accommodation for 140 persons in registered lodging houses. The Order provides for clearing the improvement area and for the erection thereon of dwellings to accommodate not less than 1,786 persons of the working class, and also requires the widening of Butcher Row, so far as affected by the Scheme, as nearly as may be to 30 feet; and of New Street as nearly as may be to 30 feet from Wellington Street to a point south of New Court, and from that point its diversion as shown on the plan No. 22B referred to in the Order, and its continuation of a width of 30 feet into a new street (No. 1) hereinafter described; the formation of a new street (No. 4) from Watergate Street to Butcher Row, a new street (No. 2) in continuation of Prince Street from Watergate Street to New Street, a new street (No. 3) from New Street to Hughes Fields, a new street (No. 4) from Watergate Street to New King Street, each of such streets to be 30 feet wide; and a footway over part of Frenches' Fields about 18 feet wide from the new street (No. 1) to the new street (No. 3). Spent.]*

CHAPTER C.

AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA SITUATED AT NEWINGTON WITHIN THE METROPOLIS. [22nd July 1885.]

[Preamble.]

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

2. This Act may be cited as the Metropolis (Tabard Street, Newington) Provisional Order Confirmation Act, 1885.

SCHEDULE.

THE METROPOLIS (TABARD STREET, NEWINGTON) IMPROVEMENT, 1885.

[Provisional Order of the Home Secretary dated 23rd April 1885, confirming a Scheme of 31st October 1884, prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Acts 1875—1882, for the improvement of an unhealthy area in the parish of St. Mary Newington. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 194. The Order provides for clearing the improvement area and for the erection of dwellings thereon to accommodate not less than 220 persons of the working class, and for the formation of a new street, 40 feet wide, from Tabard Street to Great Dover Street. Spent.]

CHAPTER CLXVII.

AN ACT TO CONFER POWERS ON THE METROPOLITAN BOARD OF WORKS WITH RESPECT TO THE MAKING OF A NEW STREET IN THE PARISHES OF ST. ANDREW HOLBORN AND OF ST. JAMES AND ST. JOHN CLERKENWELL, THE ESTABLISHING AND REGULATING OF A FERRY ACROSS THE RIVER THAMES AT WOOLWICH, THE PROVIDING OF RECREATION GROUNDS FOR THE PUBLIC, AND FOR OTHER PURPOSES. [6th August 1885.]

[Preamble recites (inter alia) that it is expedient that the Metropolitan Board of Works (hereinafter called the Board) should be authorised to make the new street hereinafter mentioned; and recites that the establishment of a ferry across the Thames at Woolwich to be used free of tolls would be attended with great local and public advantage, and that it is expedient that the Board should be authorised to establish, maintain, and regulate the said ferry; and recites that it is expedient that the Board should be authorised to acquire certain lands delineated on the deposited plans and described as Highbury Fields, and to maintain the same for the perpetual use thereof by the public for exercise and recreation; and recites that the Estates Governors of Dulwich College are desirous of transferring as a gift to the Board certain lands in Camberwell to be held by the Board as a public park for the perpetual use thereof by the public for exercise and recreation; and recites that by the Education Department Provisional Order Confirmation (London) Act 1884 the School Board for London obtained power to acquire two pieces of land forming part of Plumstead Common; and that the Board acquiesced in the said

powers being obtained in consideration of an arrangement that they should only be partially exercised and that certain other lands adjoining Plumstead Common (the property of the said School Board) should be added to Plumstead Common in exchange for the small pieces thereof to be appropriated by the School Board, and that it is expedient that the provisions in this Act for giving effect to such arrangement should be made; and that a plan (marked A) of the said land at Plumstead Common upon which the land to be acquired and ceded in the School Board is delineated and numbered 3 and 4 (the land to be ceded in the Board instead thereof being delineated and numbered 1 and 2) has been signed by the Right Honourable Frederick Lygon, Earl Beauchamp, the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred; and recites that it is expedient to confer further powers upon the Board for enforcing the due observance in the metropolis of the provisions of the Disused Burial Grounds Act 1884; and recites the deposit with the Clerks of the Peace for Middlesex, Surrey, and Kent of plans and sections describing the lines and levels of the new street and ferry and lands to be taken for the purposes thereof, and of the lands at Highbury Fields in this Act mentioned, and a book of reference to such plans in this Act called respectively the deposited plans, sections, and book of reference.]

PART I.

PRELIMINARY.

1. This Act may be cited as the Metropolitan Board of Works Short title.
(Various Powers) Act 1885.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The Board” means the Metropolitan Board of Works*;

“The street improvement” means the new street from Gray’s Inn Road to St. John Street Road and the works connected therewith by this Act authorised;

“The ferry improvements” means the ferry across the River Thames and the pontoons approaches landing stages works appliances and conveniences connected therewith;

“The street and ferry improvements” means the street improvement and the ferry improvements;

“The Conservators” means the Conservators of the River Thames;

“Dulwich College” means the foundation known as Alleyn’s College of God’s Gift at Dulwich in the county of Surrey†;

“The Governors of Dulwich College” means the persons acting as the Estates Governors and the College Governors respectively in the execution of the Dulwich College Scheme approved by Her Majesty in Council on the eighteenth day of August one thousand eight hundred and eighty-two;

“Dulwich College lands” means the lands in the parish of Camberwell and county of Surrey† lying between Dulwich

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

Common Road on the south Lordship Lane and Court Lane on the north-east and College Road on the west delineated on the plan (marked B) signed by the Honourable Algernon Fulke Egerton the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred :

“The Lands Clauses Acts” means the Lands Clauses Consolidation Acts 1845 1860 and 1869 (except section 133 of the Lands Clauses Consolidation Act 1845) as the same are amended by the Commonable Rights Compensation Act 1882 and the Lands Clauses (Umpire) Act 1883;

“Metropolis” means the metropolis as defined by the Metropolis Management Act 1855;

“Street” has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same;

“Street authority” means with respect to any parish mentioned in Schedule A. to the Metropolis Management Act 1855 or to any district formed by the union of the parishes mentioned in Schedule B. to the said Act the vestry of such parish* or the board of works for such district* as the case may be and the term “district” in relation to a street authority means the area subject to the jurisdiction of such street authority.

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction :

Provided always that for the purposes of this Act the expression “the promoters of the undertaking” in the Lands Clauses Acts shall be construed to mean the Board and the expression “Lands Clauses Act” and “Lands Clauses Act 1845” in the Commonable Rights Compensation Act 1882 shall be construed as though the same had been thereby declared to mean the Lands Clauses Consolidation Act 1845 and that for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

[*Parts omitted (definitions of “Justice,” “two Justices,” “lessee,” and “person”) spent.*]

Division of
Act into
parts.

3. This Act is divided into parts as follows :—

I.—Preliminary.

II.—Street and Ferry Improvements.

III.—Recreation Grounds.

IV.—Miscellaneous.

Incorporation
of Lands
Clauses Acts.

4. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

5—6. [*Board to execute Act—Power to act by committee. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

PART II.

STREET AND FERRY IMPROVEMENTS.

STREET IMPROVEMENT.

7. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make the new street herein-after described (that is to say):—

Power to
Board to
make new
street.

A new street partly in the parish of St. Andrew Holborn and partly in the parish of St. James and St. John Clerkenwell in the county of Middlesex * commencing in the parish of St. Andrew Holborn opposite to the north-western angle of the Holborn Town Hall at the junction of Clerkenwell Road and Gray's Inn Road constructed in part on viaduct and terminating in the parish of St. James and St. John Clerkenwell in St. John Street Road about 30 yards to the north-west of the junction of Myddleton Place therewith.

8. [*Saving for lands of the Metropolitan Railway Company. Spent.*]

9. In making the new street and executing the works for the street improvement the following provisions shall have effect for the protection of the railway of the Metropolitan Railway Company which passes under the roadway of Exmouth Street and Farringdon Road and also under houses and other property in the parish of St. James and St. John Clerkenwell in the county of Middlesex *—

For the pro-
tection of
Metropolitan
Railway
Company.

If by reason of the execution of any of the works of the Board or the failure of any such works or any act or omission of the Board or of their contractors or otherwise the railway or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Board at their own expense or in the event of their failing so to do then the Railway Company may make good the same and recover the expense thereof with full costs against the Board in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic of the Railway Company by reason of any of the matters or causes aforesaid the Board shall pay to that Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by that Company from the Board in any court of competent jurisdiction.

[*Parts omitted (provisions applying during execution of works) spent.*]

10—13. [*Right of pre-emption of certain lands for the Metropolitan Railway Company within 6 months of the completion of the new street—For the protection of the New River Company—For the protection of Cold Bath Fields House of Correction—Saving for lands of the Marquess of Northampton. Spent.*]

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

FERRY IMPROVEMENTS.

Power to
establish
ferry across
the Thames.

14. Subject to the provisions of this Act the Board may establish maintain work and regulate a ferry across the River Thames at Woolwich and may construct in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections and provide and maintain for the purpose of the said Ferry—

On the northern side of the river in the parish of Woolwich and county of Kent* :—

- (1) A landing-place on the river bank parallel to Stanley Road commencing at a point about one hundred and ten yards to the west of the junction of Stanley Road and High Street opposite the North Woolwich Station of the Great Eastern Railway and terminating about one hundred and seventy yards to the west of the said junction of Stanley Road and High Street ;
- (2) A pontoon in the river opposite the point where the said landing-stage is herein-before described as terminating situate about eighty yards from the bank of the river opposite the said point of termination and connected with the said landing-place by a stage or bridges ; and—

On the south side of the river in the said parish of Woolwich :—

- (3) A pontoon with an approach road leading thereto commencing in High Street Woolwich immediately to the eastward of Nile Street and terminating on the bank of the river immediately to the eastward of the stairs leading down to the river from the said street. The said pontoon to be situate in the river at a distance of about eighty yards from the bank at the termination of the said approach road and to be connected therewith by a landing-stage or bridges.

And the Board may also make provide and (except as otherwise by this Act expressly provided) maintain all necessary approaches landing-stages dolphins bridges works and other conveniences for the purposes of and connected with the said ferry.

Facilities for
traffic over
ferry.

15. The Board may within the limits of deviation shown on the deposited plans if they think fit from time to time construct and maintain other landing-places stages works and appliances at the points at Woolwich mentioned in the preceding section so far as may be necessary for the purpose of enabling traffic at and over the said ferry to be raised and lowered between the ferry boats and the landing-places by means of slipways or hoists or other machinery worked by steam hydraulic or mechanical power and the Board may from time to time provide all such steam hydraulic or mechanical power as may in their opinion be necessary or convenient for the purposes aforesaid or any of them.

As to time
for working
the ferry.

16. From and after the opening of the ferry by this Act authorised the Board shall (weather permitting and unless prevented by accident or other unavoidable interruption) work a ferry-boat across the river each way at such ferry on every day between the hours and at the intervals herein-after prescribed.

On week days—

Between the hours of 5 a.m. and 11 p.m. at regular intervals not greater than 20 minutes.

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

Between the hours of 11 p.m. and 12.30 a.m. at intervals of half an hour.

On Sundays—

Between the hours of 8 a.m. and 11 p.m. at regular intervals not greater than half an hour.

17—18. [*As to compensation to the London & Blackwall and Great Eastern Railway Companies and the River Thames Steamboat Co., Ltd., as ferry owners. Spent.*]

19. For the purpose of maintaining and working the said ferry the Board may from time to time provide all necessary things including vessels and boats propelled by steam or otherwise with all proper and sufficient tackle gear apparatus and conveniences connected therewith and the Board may from time to time appoint remove and remunerate such officers and servants as may in their opinion be required for such purposes and may convey passengers animals vehicles and goods free of all tolls rates or charges across the River Thames by means of such vessels or boats.

Board may provide and work ferry boats etc.

20.

(7.) The Board shall hang out and exhibit at or near to the ferry improvements and other works in connexion therewith by this Act authorised every night from sunset to sunrise lights to be kept burning by and at the expense of the Board and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Board in such manner and be of such kind and number and be so placed and used as the Conservators by writing under the hand of their secretary shall approve and direct and in case the Board fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds and further the Board shall exhibit under a like penalty lights to be similarly approved by the Conservators upon any temporary works or materials which may be placed on the river by the Board during the making of the said ferry improvements and works connected therewith.

Limiting powers of the Board to interfere with the river.

[*Remainder of provisions (limiting the power of the Board to interfere with the river during the construction of ferry improvements) spent.*]

21. The Board may if they think fit from time to time but so as not to interfere with the use of the ferry by this Act authorised or the vessels or boats used for the purposes thereof permit any pier landing place or other work acquired or constructed by the Board as part of or in connexion with the ferry improvements to be used by vessels or boats (other than vessels or boats used for the purposes of the ferry by this Act authorised) and for the landing and embarking of passengers animals vehicles and goods from or on vessels or boats (other than vessels or boats used for the purposes of the said ferry) upon such reasonable terms and subject to such reasonable conditions as the Board may from time to time prescribe and the Board may from time to time revoke any such permission. Provided that the conservators may have free access at all times to the piers and landing places with their boats officers and servants anything in this Act to the contrary notwithstanding.

Board may permit vessels to use piers or landing places on terms.

22. The Board may from time to time appoint a sufficient number of persons to preserve order on or at any piers landing places or other work acquired or constructed by the Board as part of or in connexion with the ferry improvements and the approaches thereto and to prevent the intrusion thereon of improper persons or persons

Persons may be appointed to preserve order etc. at piers.

who have no intention of embarking on board any vessel or boat from such piers landing places or other works and to remove any persons who may unnecessarily linger or loiter on or about such piers landing places or other work and to assist any vessel or boat in making fast to such piers landing places or works.

Byelaws as
to ferry.

23. The Board may subject to the provisions of this Act from time to time make alter repeal vary amend and enforce byelaws with respect to the ferry improvements and any piers landing places or other works acquired or constructed by the Board in connexion with the same for all or any of the purposes following (that is to say):—

For regulating controlling and limiting the use of such improvements piers landing places and works;

For preventing the commission of any nuisances in or upon any of such improvements piers landing places or works;

For preserving such improvements piers landing places or works and preventing injuries and damages to the same;

For regulating the duties and conduct of all persons as well the officers and the servants of the Board as others who shall be employed in and about such improvements piers landing places and works and in and about the vessels or boats used for the purposes of the ferry by this Act authorised;

For regulating the conveyance of passengers animals vehicles and goods in or upon any vessels or boats at such ferry piers landing places and works respectively and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any animals vehicles or goods in any vessels or boats used for the purposes of the ferry by this Act authorised which may in the opinion of the Board be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein.

[See also 18 & 19 Vict. c. 120, s. 202; 55 & 56 Vict. c. ccxxxviii. s. 39; and 57 & 58 Vict. c. cexii. ss. 5—7.]

Saving rights
of Water-
men's and
Lightermen's
Company.

24. Except as by this Act is expressly enacted nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the charters and grants of the Watermen's Company or the provisions of the Watermen's and Lightermen's Amendment Act, 1859 or such of the provisions of the Thames Conservancy Act 1864 * as relates to the Watermen's Company.

25. [Power to the Board to stop up ways temporarily for the purposes of the street and ferry improvements. Spent.]

Limiting in-
terference
with piers at
Woolwich.

26. Nothing in this Act contained shall enable the Board in the construction of the piers landing places pontoons and works by this Act authorised to interfere either temporarily or permanently (except so far as may be absolutely necessary for the due and proper construction of the same) with any piers landing places works and conveniences belonging to or leased to the Great Eastern Railway Company or to the River Thames Steamboat Company (Limited) at North or South Woolwich or there used by the River Thames Steamboat Company (Limited) and the Board shall compensate the said Companies respectively for any interference damage or injury caused to their said piers landing places works and conveniences or to the access thereto by the construction of any of the works by this Act authorised. Any dispute which may from time to time

* Rep. and replaced 57 & 58 Vict. c. clxxxvii. (see Appendix).

arise between the Board on the one hand and the said Companies or either of them under the provisions of this section on the other hand shall be determined by a single arbitrator to be appointed by the Board of Trade and the provisions of the Railway Companies Arbitration Act 1859 shall apply to any such arbitration as if the Board were a railway company. [*See 4 Edw. 7, c. ccciii. s. 14.*]

27—28. [*Power to the Board to raise or lower streets and to deriate not exceeding 3 feet from the levels defined on the deposited sections. Spent.*]

29. [*Power to the Board to make subsidiary works to stop up and appropriate streets and to alter drains and sewers on providing substitutes, which are to be under the same management as existing drains and sewers.*]

30. The Board shall not interfere with or obstruct any road footpath or way leading to the North Woolwich station of the Great Eastern Railway Company in such a manner as to prevent the access to and egress therefrom or to stop up any street road or footway necessary for the purpose of such access and egress without first providing a sufficient substitute therefor. Access to certain stations not to be interfered with.

31—32. [*Power to the Board to alter water, gas, and other pipes, and to lay out carriageways, footways, etc. Spent.*]

33. [*As to laying of pavements, and resting the same when laid in and as to the maintenance thereof by the street authority in whose district they are situate.*]

34. [*Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.*]

35. [*Power to the Board to alter steps, areas, pipes, etc.—Parts of street and ferry improvements laid out for carriageways or footways to be public streets, the soil thereof to be vested in the Board, but the maintenance thereof to be under the management of the street authority of the district in which the same are situate.*]

36. [*Vestry of St. James and St. John, Clerkenwell,* to maintain the new street from Gray's Inn Road to St. John Street Road, and also the viaduct foundations or substructures retaining walls and works connected therewith.*]

37—38. [*Periods for completion of works limited to 5 and for compulsory purchase of lands to 3 years.*]

39. [*For protection of the Haggering and Dagenham, etc., Commissioners of Sewers. Seemle not applicable within London. See the Land Drainage Act 1861, s. 2.*]

40. [*Expenses of executing Act (as regards ferry improvements). Superseded 51 & 52 Vict. c. 41, part iv.*]

PART III.

RECREATION GROUNDS.

HIGHBURY FIELDS.

41. Subject to the provisions of this Act the Board may appropriate and maintain in the parish of St. Mary Islington as an open space to be dedicated to the perpetual use thereof by the public for exercise and recreation as by this Act provided the lands known Power to Board to maintain Highbury Fields as an open space.

* Now the Council of the Metropolitan Borough of Finsbury. See 62 & 63 Vict. c. 14, s. 4.

as "Highbury Fields" (and which are herein-after referred to as "Highbury Fields") which are delineated on the deposited plans and described in the deposited book of reference and they may for such purpose enter upon take use hold and acquire all or any of the said lands and shall hold and maintain Highbury Fields as and when they obtain actual possession of the same for the perpetual use thereof by the public for exercise and recreation and may from time to time fence and enclose the same or any part of the same and make such provision as may be necessary for maintaining and protecting the same for such use as aforesaid, but they shall not erect over the Great Northern Railway or any of the said lands belonging to the Great Northern Railway Company any dwelling-house stables or other permanent building of any kind whatever and any sewers drains or watercourses constructed under the powers of this Act over the said railway shall be laid and constructed to the satisfaction of the principal engineer for the time being of the Great Northern Railway Company.

42—43. [*Confirmation of the agreement set forth in the first schedule to the Act—As to payment of consideration thereunder. Spent.*]

Power to
extinguish
rights etc.
when pur-
chased.

44. When the Board have purchased or acquired under this Act any interest or right in over or affecting Highbury Fields they may as they think most expedient with a view to securing the use of Highbury Fields by the public for the purposes by this part of this Act prescribed either extinguish the same or retain hold and exercise the same wholly or partially.

Protection
of Great
Northern
Railway
Company.

45. Nothing in this part of this Act contained shall limit or affect any powers which the Great Northern Railway Company may now have of entering upon Highbury Fields for the purpose of opening and breaking up the said fields for the purpose of constructing thereunder any tunnel or tunnels in addition to the existing tunnel constructed by them under the said fields or for the purpose of the maintenance repair enlargement widening or extension and improvement of the tunnels railways and works of the said Company for the time being situate in and under Highbury Fields :

Provided that the said Company shall not permanently alter or disturb the surface of any part of Highbury Fields and that whenever in the exercise of the powers by this section conferred upon them they break open or disturb the surface of any lands being part of Highbury Fields they shall as soon as may be thereafter make good and restore the same to the same condition as they were previously to such breaking up or disturbance.

46. [*As to separate accounts. Superseded 51 & 52 Vict. c. 41, s. 68.*]

47. [*Vestry of St. Mary, Islington, to contribute up to one-half of the cost of acquiring Highbury Fields. Spent.*]

DULWICH COLLEGE LANDS.

Transfer of
Dulwich
College lands
to Board for
public park.

48. From and after the twenty-ninth day of September one thousand eight hundred and eighty-five all the estate and interest of the Governors of Dulwich College respectively in or to the Dulwich College lands shall by virtue of this part of this Act be transferred to the Board by way of gift and the same shall become vested in the Board absolutely and the Board shall hold the said lands and every part of the same (as and when they obtain actual

possession of the same respectively) and from time to time lay out maintain and preserve the same and every part of the same as a public park for the perpetual use thereof by the public for exercise and recreation And the said twenty-ninth day of September one thousand eight hundred and eighty-five is herein-after referred to in relation to the Dulwich College lands as "the day of transfer":

[*Part omitted (as to rents till the Board obtain possession) spent.*]

49. Subject to the provisions of this Act the Board may from time to time after the day of transfer purchase by agreement but not otherwise all such estates interests and rights in over or affecting the Dulwich College lands as they think it requisite to acquire for the better execution of this part of this Act with respect to the use maintenance and preservation of the Dulwich College lands for the purposes prescribed by this part of this Act and for the purpose of applying to any such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands by agreement the term "lands" in the said provisions shall be construed to include such estates interests and rights.

Power to purchase rights etc. in Dulwich College lands.

50. When the Board have purchased under this Act any estate interest or right in over or affecting Dulwich College lands they may as they think most expedient with a view to securing the use of Dulwich College lands by the public for the purposes prescribed by this part of this Act either extinguish the same or retain hold and exercise the same wholly or partially. [*See also 49 & 50 Vict. c. cxii. s. 37 (6), and 51 & 52 Vict. c. clvi. s. 30.*]

Power to extinguish rights etc. when purchased.

ALTERATION OF PLUMSTEAD COMMON.

51. Notwithstanding anything in the Education Department Provisional Order Confirmation (London) Act 1884 the School Board for London * shall not be entitled to take or acquire any greater extent of Plumstead Common than the pieces of land respectively delineated on the said plan marked A signed as aforesaid which are described thereon and in the deposited books of reference as Nos. 3 and 4 in the parish of Plumstead.

Arrangement as to land at Plumstead Common.

The School Board for London * shall as soon as may be after the passing of this Act convey to the Board the pieces of land shown on the said plan and described thereon and in the deposited books of reference as Nos. 1 and 2 in the parish of Plumstead and the School Board for London * shall not acquire any right or interest in the said pieces of land numbered 3 and 4 until they shall have conveyed to the Board the said pieces of land numbered 1 and 2:

And the Board and the School Board for London * respectively shall subject to the provisions of this part of this Act have and may exercise all such powers and do and execute all such acts matters and things as may be necessary to effect the vesting of the said pieces of land in them respectively in accordance with this part of this Act.

52. From and after the vesting in the School Board for London * of the said pieces of land numbered 3 and 4 on the said plan the said lands shall be freed and discharged from all rights of common rights of way and all public rights in over or affecting the same and all such rights shall be and the same are hereby extinguished and the said pieces of land shall cease to be or form part of Plumstead

Pieces of land transferred to School Board to be held for purposes of new school.

* Now the London County Council. See 3 Edw. 7. c. 24.

Common and to be subject to the provisions of the Plumstead Common Act 1878 or any Act altering amending or affecting the same and the said Acts shall be construed accordingly and the said pieces of land shall be held by the School Board for London * with the same powers and for the like purposes as if the said pieces of land had been acquired by them under the said provisional order confirmed by the Education Department Provisional Order Confirmation (London) Act 1884.

Pieces of land in parish of Plumstead acquired by the Board to form part of Plumstead Common.

53. The pieces of land in the parish of Plumstead acquired by the Board under the powers of this part of this Act shall forthwith thereafter be added to become and be part of Plumstead Common and the same shall be subject to the exercise of all rights in over or upon Plumstead Common in all respects as though the said pieces of land so added formed part of the lands immediately before the passing of this Act subject to the provisions of the Plumstead Common Act 1878 and the provisions of the said Act shall extend and apply to the land so added as though the same were included in the lands immediately before the passing of this Act subject to the provisions of the said Act . . . : Provided that nothing in this Act shall prohibit the Board from utilising the said piece of land numbered 2 or part thereof for the widening of Farm Lane. [*Part omitted (as to byelaws) superseded 53 & 54 Vict. c. cxxliii. ss. 14—21, and 61 & 62 Vict. c. ccxxi. s. 61.*]

54. [*Confirmation of the agreement set forth in the second schedule to the Act. Spent.*]

GENERAL.

Highbury Fields and Dulwich College lands to be subject to provisions of Metropolitan Board of Works Act 1877 as to byelaws.

55.

Provided always that no public meeting or assembly shall be held on any part of Highbury Fields or of the Dulwich College lands and that no music shall be played thereon.

[*Part omitted (as to byelaws) superseded. See 53 & 54 Vict. c. cxxliii. ss. 14—21 ; 59 & 60 Vict. c. clxxxviii. s. 33 ; and 61 & 62 Vict. c. ccxxi. s. 61.*]

PART IV.

MISCELLANEOUS.

Board to be the authority to enforce the Disused Burial Grounds Act 1884.

56. The Board shall be and they are hereby constituted the authority for preventing the violation and for enforcing the due observance of the provisions of the Disused Burial Grounds Act 1884 within the metropolis and they may from time to time institute and prosecute all such legal proceedings and do all such acts matters and things as may in the opinion of the Board be necessary or expedient for preventing the violation by any person and for enforcing the due observance by all persons of the provisions of the said Act within the metropolis.

Regulations respecting byelaws.

57. The provisions of the Metropolis Management Act 1855 respecting the making contents confirmation approval publication and evidence of byelaws and of proceedings before Justices and recovery of penalties thereunder shall except where otherwise expressly provided extend and apply to byelaws under this Act and except as aforesaid byelaws under this Act shall be deemed byelaws within the Metropolis Management Act 1855 and the Acts

* Now the London County Council. See 3 Edw. 7, c. 24.

amending the same. Provided always that no byelaw with respect to the ferry improvements or any of them made by the Board under the authority of this section shall come into operation until the same be confirmed by the Board of Trade but such confirmation shall be instead of the approval by one of Her Majesty's principal Secretaries of State prescribed by the Metropolis Management Act 1855. [*Superseded (as regards byelaws as to Dulwich Common lands and Plumstead Common lands)* 53 & 54 Vict. c. cexliii. ss. 14—21, and 61 & 62 Vict. c. cexxi. s. 61.]

58—67. [*Power to the Board to take lands and to acquire easements—Rehousing of labouring class persons—As to acquisition of lands—Errors and omissions in plans—Power to the Board to enter and survey lands to be taken—As to arbitration—Redemption of Land Tax—Power to the Board to sell materials.* Spent.]

68—70. [*Power to the Board to lease surplus lands—As to sale of ground rents and reversions thereof—Power to the Board to sell such lands without leasing.* Superseded 62 & 63 Vict. c. ccxxxvii. s. 23. See *ibid.* ss. 19—22.]

71. The Board may from time to time let either from year to year or for a less period or for a term at rackrent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act for any of the street and ferry improvements and not required for such improvements and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition. Board may let or exchange lands.

72. Subject to the provisions of this Act the Board shall within such period as they may think fit which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845 after the completion of any of the street and ferry improvements for the purposes of which any lands have been acquired sell and dispose of to any person or persons and grant and convey such parts of such lands as they may have acquired under the powers of this Act and which shall not be required for any of such improvements. [*See* 47 & 48 Vict. c. 50, s. 23.] Board to dispose of lands not wanted.

73. The receipt of the Board or of any person duly authorised by the Board for any purchase moneys rents or profits or money payable to the Board by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received. Receipts of Board to be effectual discharges.

74. The Board may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any of the street and ferry improvements with respect to the sale by the Board to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare acquired by the Board under the powers of this Act and not required for such of the improvements) for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration the grant by such person Power to Board to make agreements with owners of property etc.

of any lands or other property required by the Board for the purposes of this Act.

Application
of proceeds
of sale of
lands
materials etc.
by the Board.

75. All moneys received by the Board on account of any sale or disposition of any lands building or other materials paving or metalling acquired by the Board under this Act shall after deducting the costs of such sale or disposition be carried by the Board to the Consolidated Loans Fund under the Metropolitan Board of Works (Loans) Acts 1869 to 1871 except where such property has been acquired by the Board in relation to the ferry improvements and in such last-mentioned case all such moneys shall be applied by the Board towards the expenses of the Board under this Act. [See 53 & 54 Vict. c. 41, s. 25.]

76. [*Expenses (other than as to ferry improvements) of execution of Act.* Superseded 51 & 52 Vict. c. 41, s. 68.]

77. [*Saving the rights of the Conservators.*]

78. [*Saving the rights of the Crown.*]

79. [*Expenses of obtaining Act.* Spent.]

FIRST SCHEDULE. [*Agreement made the 23rd October 1884 between Daniel Watney, as agent for Charles Willock Dawes (the vendor), and George Fulliamy, as agent for the Metropolitan Board of Works (the purchasers), for the sale of Highbury Fields for £60,000. Spent.*]

SECOND SCHEDULE. [*Agreement made the 27th January 1885 between the Woolwich Local Board and the Metropolitan Board of Works for the sale by the former to the latter of certain rights of digging gravel, earth, or other minerals upon or under Plumstead Common for £500. Spent.*]

49 & 50 VICTORIA. A.D. 1886.

CHAPTER 22.

* AN ACT TO AMEND THE ENACTMENTS RELATING TO OFFICES, STATIONS, AND BUILDINGS FOR THE METROPOLITAN POLICE FORCE. [4th June 1886.]

[*Preamble (reciting 20 & 21 Vict. c. 64) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Short title.

1. This Act may be cited as the Metropolitan Police Act, 1886.

10 Geo. 4.

c. 44.

47 & 48 Vict.

c. 17.

... This Act and the Metropolitan Police Acts, 1829 to 1884, and the Acts mentioned in the First Schedule to this Act, and the Police Expenses Act, 1875,† so far as it relates to the Metropolitan Police Force, may be cited together as the Metropolitan Police Acts, 1829 to 1886.

[*Part omitted (giving short titles to the Acts in the first schedule) rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

Power of
Receiver with
respect to
construction
of buildings
and purchase
of land.

2. The Police Receiver from time to time may provide, by building or otherwise, a central office and such police stations, offices, houses, and buildings as are required for the purposes of the Metropolitan Police Force, and the execution of the enactments relating to such force, and may improve, enlarge, fit up, and provide proper access, yards, and other appurtenances for, any offices, stations, houses,

* See 60 & 61 Vict. c. 26, s. 4.

† Rep. 56 & 57 Vict. c. 54 (S.L.R.).

and buildings provided either before or after the passing of this Act for the above purposes, or any of them, and may purchase and take on lease and hold for the said purposes any land and any rights or easements from over or upon that or any other land, or may exercise any of such powers. [*Amended 50 & 51 Vict. c. 45, s. 3.*]

3.—(1.) For the purpose of any purchase under this Act, and of any works under this Act which the Police Receiver, with such approval as in this Act mentioned, determines to be of a permanent character, the Police Receiver may from time to time borrow, on the security of the Metropolitan Police Fund, and of the property vested in the Police Receiver or any part or parts thereof, any sum or sums, so that the aggregate principal sums for the time being due under this section do not exceed in the whole two hundred thousand pounds.

Power to raise 200,000*l.* on mortgage of Metropolitan Police Fund.

(2.) All sums so borrowed shall be paid into the Bank of England to the account of the Police Receiver, and shall be repaid with the interest thereon within a period not exceeding thirty, or in the case of a sum borrowed for the purchase of freehold land, sixty years from the date at which the same are borrowed.

(3.) Such money may be borrowed in manner provided by the Local Loans Act, 1875, and any Act amending the same, by the issue of any of the securities in the said Acts mentioned, and for the purposes of such borrowing a sinking fund may be created, and the provisions of the said Acts shall apply as if "Secretary of State" were therein substituted for "Local Government Board," and as if the Police Receiver were a local authority and the Metropolitan Police Fund a local rate as therein defined.

38 & 39 Vict. c. 83.

(4.) The Metropolitan Board of Works* may lend any money authorised by this Act to be borrowed by the Police Receiver. [*Amended 50 & 51 Vict. c. 45, s. 2; and 60 & 61 Vict. c. 42, s. 1. See also 60 & 61 Vict. c. 26, s. 4.*]

4.—(1.) For the purpose of the purchase of land by the Police Receiver, the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, (in this section referred to as the Lands Clauses Acts), shall be incorporated with this Act, except the provisions relating to access to the special Act, and, except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845, relating to the sale of superfluous land, and in construing the Lands Clauses Acts for the purpose of this section, the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the Police Receiver, and land shall be construed to include any right over land.

Purchase of land. 8 & 9 Vict. c. 18.

(2.) The Police Receiver, before putting in force any of the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

- (a.) publish, once at the least during three consecutive weeks in the months of September, October and November, or any of them, in some one and the same newspaper circulating in the locality, an advertisement describing shortly the object for which the land is proposed to be taken, naming a place in the neighbourhood of the land proposed to be taken, where a plan of such land may be seen at all reasonable hours, and stating the quantity of such land, and shall further,

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

- (b.) during the month next following the month in which such advertisements are published, serve a notice in manner mentioned in this section on every owner or reputed owner, lessee, or reputed lessee, and occupier of such land, so far as such owners, lessees, and occupiers can be reasonably ascertained, defining in each case the land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land ; and
- (c.) where any person above-mentioned as required to be served is absent abroad or cannot be found, the notice may be served on his agent, or if no agent can be found, by leaving the same at the premises.
- (d.) Service of a notice on a person whether principal or agent may be made—
 - (i.) by delivery of the same personally to such person ; or
 - (ii.) by leaving the same at the usual or last known place of abode of such person, or by forwarding the same by post in a prepaid letter, addressed to the usual or last known place of abode of such person ; and
 - (iii.) one notice addressed to the occupier or occupiers of a house without naming him or them, and left at that house shall be deemed a notice served on that occupier, and on all the occupiers of that house.
 - (iv.) A notice required to be served on a number of persons having any right in common, in, over, or on land may be served on any three or more of such persons on behalf of all of such persons.
 - (v.) Where a notice is served by post it shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the same was properly addressed and put into the post.

[*See the Interpretation Act 1889, s. 26 (see Appendix).*]

(3.) Upon compliance as respects any land with the provisions contained in this section with respect to advertisements and notices, the Police Receiver may, if he think fit, present a petition to the Secretary of State ; the petition shall describe the said land, and state the purposes for which it is required, and the names of the owners and lessees, or reputed owners and lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall pray for an order authorising the Police Receiver with reference to such land to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, and the petition shall be supported by such evidence as the Secretary of State may require.

(4.) If, on consideration of the petition and proof of the publication of the proper advertisements and service of the proper notices, the Secretary of State thinks fit to proceed with the case, he may, if he thinks fit, appoint some person to inquire in the locality in

which the land is situate respecting the propriety of making the order prayed for, and also direct such person to hold a public inquiry, and if a public inquiry is held, the person holding the same shall have the same powers as an inspector of the Local Government Board has upon holding a local inquiry under the Public Health Act, 1875. [See Appendix.] 38 & 39 Vict.
c. 55.

(5.) After such consideration and proof, and if there is an inquiry after receiving the report made upon such inquiry, the Secretary of State may make an order authorising the Police Receiver to put in force with reference to the land referred to in the petition, or such part thereof as is described in such order, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and that either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the Police Receiver to serve a copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served.

(6.) An order so made shall not be of any validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such confirmation. If while the Bill confirming such order is pending in either House of Parliament a petition is presented against the order, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose, as in the case of private Bills, and the Act confirming such order shall be deemed to be a public general Act of Parliament.

(7.) An order made in pursuance of this section, when confirmed by Parliament with such modifications as seem fit to Parliament, shall have full effect.

(8.) A Secretary of State, in case of refusing or modifying the order prayed for, may make such order as he thinks fit for the allowance of the reasonable costs, charges, and expenses which any person whose land was proposed to be taken has properly incurred in opposing the order.

(9.) All costs, charges, and expenses incurred by the Secretary of State in relation to any order under this section shall, to such amount as the Treasury think proper to direct, and all costs, charges, and expenses of any person which are so allowed by the Secretary of State as aforesaid, shall be a charge upon the Metropolitan Police Fund, and be paid to the Treasury or to such person respectively, by the Police Receiver, either in one payment or by annual instalments not exceeding five, and if by instalments together with interest after the yearly rate of four pounds in the hundred, to be computed from the date of any such direction of the Treasury, or allowance of such costs, charges, and expenses respectively upon so much of the principal sum due as may from time to time remain unpaid.

(10.) Any land purchased in pursuance of any order under this section, confirmed by Act of Parliament, shall be purchased within three years after the passing of that Act.

(11.) The provisions of this Act with respect to the purchase of land by the Police Receiver shall extend to the purchase of land of which such Receiver is lessee or occupier in like manner as if another person were for the time being lessee or occupier of such

land, save that the provisions with respect to the notices to, and the assent or dissent of, and the service of a copy of the order on, lessees and occupiers shall not apply so far as respects the Police Receiver, and save that after an order under this section for purchasing such land is confirmed by Parliament, the Police Receiver may give notice to and purchase the estate, right, or interest of some one or more only of the parties interested in the land, but in that case he shall, if any other of such parties, by notice in writing, so requires him, purchase the estate, right, or interest in the land of such party.

5. [*As to rehousing of persons belonging to the labouring classes. Superseded by the Housing of the Working Classes Act 1903.*]

Approval of Secretary of State for purchases and loans.

6. Every purchase, sale, scheme, or lease by the Police Receiver under the Metropolitan Police Acts, 1829 to 1884, or this Act, and the raising of any loan by the Police Receiver under this Act, shall be subject to the approval of a Secretary of State, and also, in the case of a loan, of the Treasury; provided that it shall not be necessary for any vendor, purchaser, lessor, lessee, or lender to ascertain that such approval has been given.

Definitions.

7. In this Act—

The expression "Police Receiver" means the Receiver for the Metropolitan Police District.

The expression "Metropolitan Police Fund" means the rates, contributions, and funds for the time being applicable for defraying the expenses of the Metropolitan Police Force.

[*Part omitted (definitions of "Secretary of State" and "Treasury") rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

8. [*Repeal of Act in second schedule to the extent therein specified. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

SCHEDULES.

FIRST SCHEDULE.

METROPOLITAN POLICE ACTS REFERRED TO.

Session and Chapter.	Title.	Short Title.
23 & 24 Vict. c. 135.	An Act for the employment of the Metropolitan Police Force in Her Majesty's yards and military stations.	The Metropolitan Police Act, 1860.
24 & 25 Vict. c. 51.	An Act for granting pensions to some officers and men in the Metropolitan Police Force, and for other purposes.	The Metropolitan Police Act, 1861.
30 & 31 Vict. c. 39.	An Act for amending the law with respect to the accounts of the Receiver for the Metropolitan Police District, and for other purposes relating to the Metropolitan Police.	The Metropolitan Police (Receiver) Act, 1867.

[*See also the Short Titles Act 1896.*]

SECOND SCHEDULE. [*Act repealed, viz. 20 & 21 Vict. c. 64 (except ss. 11—15, both inclusive). Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

CHAPTER 44.

AN ACT FURTHER TO AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES. [25th June 1886.]

[Preamble recites (inter alia) 48 & 49 Vict. c. 50 (in this Act referred to as "the Act of 1885").]

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1886, and the Metropolitan Board of Works (Money) Acts, 1875 to 1885, and this Act, may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1886. Short title.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1885. Construction of Act.

3. The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869. Interpretation.

[Part omitted (definition of the expression "Parks and Open Spaces Acts") spent.]

4—8. [Amendment of ss. 9, 10, 11, and 12 of 48 & 49 Vict. c. 50—Power to the Board to expend moneys till 31st December 1887 for the purposes of 49 & 50 Vict. c. cxii. Spent.]

9. [Power to the Board to lend money till 31st December 1887 to the Receiver of the Metropolitan Police. Rep. 50 & 51 Vict. c. 31, s. 8.]

10. [Power to the Board to expend moneys for sundry purposes during 1887. Spent.]

11. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same, for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section: and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [Part omitted (as to power to the Board to expend not exceeding £349,000 during the year ending 31st December 1887 for the purposes of main drainage and main sewers) spent.] Special power to expend money for purposes of main drainage and main sewers.
18 & 19 Viet. c. 120.

12. [Power to the Board to lend £5,000 to the Vestry of St. George, Hammer Square, for the purchase of lands and the erection of buildings for the accommodation of the vestry and guardians. Spent.]

13. Money lent by the Board under section twelve and this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree: Provided that the time after the borrowing within which such moneys shall be repaid to the Board shall not exceed in the case of a loan for purposes of improvements in relation to streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years: Provided further, that nothing in this section shall be deemed to prevent the Board from agreeing that any such loan as is in this section mentioned, Power to lend to vestries, district boards, corporations, burial boards, etc.

and which may be made by the Board to any vestry or district board, shall be repaid in one sum or by such instalments or otherwise and at such time or times (not exceeding the times by this section prescribed) as the Board may think fit and the Treasury may approve. [*Part omitted (as to power to the Board till 31st December 1887 to lend to vestries and district boards and other public bodies levying rates in the metropolis) spent.*]

14. [*Power to the Board to lend to boards of guardians in the metropolis till 31st December 1887. Spent.—Provision for repayment within a time to be approved by the Treasury not exceeding 30 years. Identical with such provision in 38 & 39 Vict. c. 65, s. 5.*]

15. [*Extension of the amount which the Board may lend to the Managers of the Metropolitan Asylum District. Spent.*]

16. [*Power to the Board to lend till 31st December 1887 to the School Board for London. Spent.—Provision as to repayment within a period not exceeding 50 years. Superseded 2 Edw. 7, c. 42, and second schedule; and 3 Edw. 7, c. 24, s. 1.*]

Protection of
Board in case
of certain
loans.

17. Where under the authority of this or any other Act the Board lend any moneys to any corporation, body of commissioners, public body, or persons, the exercise of whose powers of borrowing is subject to the consent of the Local Government Board, the sanction of that Board to the borrowing of such moneys shall in every such case be conclusive evidence that such corporation, body of commissioners, public body, or persons had power to borrow such moneys.

Power to
raise con-
solidated
stock.

18.
Where the Board under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within thirty years from the date of such loan, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any less period for which the same may be made, an amount of consolidated stock equal to that so created; and

Where the Board are by this Act authorised to make a loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payments of the dividends on consolidated stock. Provided that no such moneys shall be used for any such loan which shall be repayable at any date later than the date at which such moneys will be required by the Board to pay off consolidated stock; and

Where the Board shall be of opinion that any moneys by this Act authorised to be raised for any purpose should be paid off within a period of thirty years or any less period, the Board instead of raising such moneys by the creation of consolidated stock may with the approval of the Treasury, use for such purpose any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payments of the dividends on consolidated stock. Provided that no such moneys shall be so used unless provision shall be made in such manner as the Treasury approve for paying off the same at or before the date at which such moneys will be required by the Board to pay off consolidated stock; and in every such case the Board shall from time to time raise as part of the

consolidated rate such sums as the Treasury approve as being in their opinion sufficient for the payment of the interest on and for paying off the moneys used for such purpose at the date approved by the Treasury as aforesaid, and such sums shall from time to time be carried by the Board to the Consolidated Loans Fund.

Where the Board raise consolidated stock for the purpose of any scheme made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875,* or the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882,* and confirmed by Provisional Order and Act of Parliament, there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875,*) to the consolidated rate out of the local rate as defined by the said last-mentioned Act, all moneys required for payment of dividends on and the redemption of all consolidated stock created for such purpose.

[Part omitted (powers to the Board to raise consolidated stock for the purposes of this Act) spent.]

19. The Board may from time to time within twelve months after the issue of any consolidated stock carry to the dividend account in the Consolidated Loans Fund for the purpose of providing for the payment of dividends on such stock from the dates fixed at the time of such issue though the same may be earlier than the dates fixed for receiving the cash instalments on account of such loan so much of the moneys arising from the issue of such stock as they may require for that purpose, and as the Treasury approve, and may from time to time apply the moneys so carried to such dividend account to the payment of such dividends.

Power for Board after issue of stock to apply moneys raised by stock to make up dividends from fixed dates.

20. [Ratification of the Board's expenditure for Fire Brigade purposes till 31st December 1885. Spent.]

21. [Ratification of Board's expenditure on opposition to the Bills of the Southwark and Vauxhall and the Kent Water Companies. Spent.]

22—26. [Power to the Board to raise money by metropolitan bills and provisions relating thereto. Spent.]

27. [Limit on borrowing in s. 38 of 32 & 33 Vict. c. 102 not to extend to moneys raised under this Act. Spent.]

28. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

Repayments to be carried to Consolidated Loans Fund.

29. [Limit to exercise of borrowing powers. Spent.]

30. Sections twenty-seven to forty-three inclusive of the Act of 1885 shall be deemed to be incorporated with this Act.

Incorporation of sections 27 to 43 of 48 & 49 Vict. c. 50.

FIRST SCHEDULE. [Particulars of new money powers conferred in this Act. Spent.]

SECOND SCHEDULE. [List of Parks and Open Spaces Acts referred to in s. 3. Spent.]

CHAPTER CXII.

AN ACT TO CONFER FURTHER POWERS ON THE METROPOLITAN BOARD OF WORKS AS TO STREETS AND OPEN SPACES: AND FOR OTHER PURPOSES. [25th June 1886.]

[Preamble recites (inter alia) that it is expedient that the Metropolitan Board of Works† (hereinafter referred to as the Board)

* Rep. and replaced by the Housing of the Working Classes Act 1890.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 10 (8).

should be authorised to make the street improvements and works hereinafter mentioned, and the deposit with the Clerks of the Peace for Middlesex and Surrey of plans and sections and a book of reference (in the Act referred to as the deposited plans, sections, and book of reference); and recites the vesting in the Board under 42 & 43 Vict. c. clx. of certain lands, being part of Wormwood Scrubs, formerly waste of the manor of Fulham, and that the Ecclesiastical Commissioners, in whom the manor is vested, have offered to transfer to the Board without consideration, 22 acres, other part of Wormwood Scrubs shown on the deposited plans, but severed from the remainder by the West London Railway, to be used as an open space; and that the homage jury of the said manor have agreed to transfer to the Board for £2,000 the rights of pasture in the said 22 acres of the copyhold tenants of the manor; and also recites 43 Geo. 3, c. cxxxi.; 40 & 41 Vict. c. xcix.; 44 & 45 Vict. c. cxcii. and 48 & 49 Vict. c. clxvii. (in this Act called the Act of 1885).]

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Various Powers) Act 1886.

Interpretation of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“Dulwich College lands” means the lands in the parish of Camberwell and county of Surrey* lying between Dulwich Common Road on the south Lordship Lane and Court Lane on the north-east and College Road on the west delineated on the plan (marked B) referred to in the Act of 1885;

“Street” has the meaning assigned to that term in the Metropolitan Management Act 1855 and the Acts amending the same;

“Street authority” means with respect to any parish mentioned in Schedule A to the Metropolitan Management Act 1855 or to any district formed by the union of the parishes mentioned in Schedule B to the said Act the vestry of such parish † or the board of works for such district † as the case may be and the term “district” in relation to a street authority means the area subject to the jurisdiction of such street authority.

[Parts omitted (definitions of “Lands Clauses Acts,” “metropolis,” “Justice,” “two Justices,” “lessee,” and “person,” and as to meanings of words in Lands Clauses Acts incorporated) spent.]

Division of Act into parts.

3. This Act is divided into parts as follows:—

- I.—Preliminary.
- II.—Street Improvements.
- III.—Open Spaces etc.
- IV.—Miscellaneous.

4. [Incorporation of Lands Clauses Acts. Spent.]

5—6. [Board to execute Act, and may appoint a committee therefor. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.]

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

PART II.

STREET IMPROVEMENTS.

7. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make and carry into execution all or any of the works described in this section (which are in this Act referred to as the street improvements) (that is to say):—

Power to
make certain
street works.

WIDENING OF COLD HARBOUR LANE.

The widening of Cold Harbour Lane on the eastern side thereof in the parish of Lambeth and county of Surrey * commencing at a point about one chain north of the junction of Denmark Passage with Cold Harbour Lane and terminating at the northern end of the triangular enclosure at the junction of Cold Harbour Lane and Denmark Hill.

VICTORY PLACE IMPROVEMENT.

A new street in the parish of St. Mary Newington in the county of Surrey * commencing at the junction of Paragon Row and Henshaw Street and terminating by a junction with the new road known as Munton Road.

STAIRCASE AT CHARING CROSS.

And subject as aforesaid the Board may make and maintain in the parish of St. Martin-in-the-Fields and county of Middlesex * a staircase to form an access for foot passengers to the footway along the north-eastern side of the bridge which carries the South-eastern Railway over the River Thames which staircase will be on the north-western side of the roadway of the Victoria Embankment commencing on the surface of the ground on the Victoria Embankment with an approach from the Embankment roadway and terminating in the said existing footway along the said bridge:

And subject as aforesaid the Board may construct such railing and form such enclosure around and in the neighbourhood of the said staircase as they may think fit.

8. Before raising the level of Cold Harbour Lane to any extent exceeding six inches or before lowering the level of the said lane in exercise of the powers conferred for that purpose by this Act the Board shall give three months notice in writing to the Southwark and Vauxhall Water Company † (in this section referred to as the Water Company) of their intention to commence such works and thereupon the following provisions for the protection of the Water Company shall be in force and take effect (that is to say):—

For protec-
tion of South-
wark and
Vauxhall
Water
Company.

(a) The Water Company shall be at liberty forthwith to remove so much of their main or mains now laid in Cold Harbour Lane and High Street as lies to the north of the road known as Denmark Passage and shall be at liberty to lay and maintain a main or mains through or in Denmark Passage in lieu thereof.

[Part omitted (provisions applying during execution of works) spent.]

9—11. [Power to the Board to stop up ways temporarily, to raise or lower streets, and to deviate. Spent.]

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

12. [Power to the Board to make subsidiary works, to alter streets and to alter drains or sewers on providing substitutes, which are to be under the same management as existing sewers and drains.]

13—14. [Power to the Board to alter water, gas, and other pipes, and to lay out carriageways, footways, etc. *Spent.*]

15. [As to laying of pavements and resting the same when laid in and as to maintenance thereof by the street authority in whose district they are situate or other persons liable to repair the same.]

16. [Power to the Board to fill up sewers or drains on providing substitutes, which are to be under the same management as existing sewers and drains.]

17—19. [Power to the Board to alter steps, areas, pipes, etc.—Period for completion of street improvements limited to 3 and for compulsory purchase of lands to 2 years. *Spent.*]

Ground laid
into the
streets to
form part
thereof.

20. When the street improvements are made so much of the same as shall be laid out for carriageways or footways of any street shall form part of such street and may be used by the public accordingly but the soil thereunder shall continue to be and be vested in the Board and the paving maintenance repair cleansing and lighting of such street shall in the case of the Cold Harbour Lane and Victory Place improvements by this Act authorised be under the care management control and jurisdiction of the street authority of the parish in which the same are respectively situate.

21. [As to provision of access to houses in Victory Place during works. *Spent.*]

For protec-
tion of the
South-eastern
and Metro-
politan
District
Railway
Companies.

22. With regard to the staircase at Charing Cross by this Act authorised the following provisions for the protection of the South-eastern Railway Company (in this Act called the South-eastern Company) and of the Metropolitan District Railway Company (in this Act called the District Company) shall unless otherwise agreed on between the Board and the said two Companies respectively have effect viz. :—

FOR THE PROTECTION OF BOTH COMPANIES.

(1.) The Board shall not acquire any ownership of or in any land or property of either of the two Companies but the Board may subject to the provisions of this section make and maintain the said staircase in manner by this Act authorised :

(2.) (a) If and so far as for the purpose of making and maintaining the said staircase and works connected therewith it shall be necessary for the Board to interfere with the structure of the Charing Cross Bridge or to enter upon use or interfere with any property of the South-eastern Company the Board may purchase and the South-eastern Company shall sell an easement or right of making and maintaining the said staircase in manner aforesaid :

(b) If and so far as for the purpose of making and maintaining the said staircase it shall be necessary for the Board to erect the same or any part thereof upon or over any land or property station or works of the District Company the Board may purchase and the District Company shall sell an easement or right of making and maintaining the said staircase in manner aforesaid :

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- (4.)—(5.) [*Plans of staircase and works in connexion therewith to be submitted to and approved by the said two companies before such staircase and works are commenced, and any difference with respect to such plans or arising under this section to be referred to an engineer to be agreed upon, or failing agreement to be appointed by the Board of Trade—Approval of plans not to relieve the Board from responsibility as to execution or maintenance of works.*]
- (6.) The said staircase and all works connected therewith shall be constructed within the limits of deviation authorised by this Act and all permanent works shall at all times thereafter be maintained by the Board in accordance with the plans elevations sections and particulars agreed upon or approved by arbitration as herein-before provided and to the reasonable satisfaction of the engineers of the two Companies who shall have access to the works of the Board at all reasonable times :
- (9.) The Board shall from time to time be responsible for and make good to the two Companies respectively all costs losses damages and expenses from time to time occasioned to those Companies respectively or to their respective railways or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of any of the works of or incidental to the said staircase or any act or omission of the Board or of any contractor or any person in the employ of them or him and the Board shall effectually indemnify and hold harmless the two Companies respectively from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission :
- (10.) After the execution of the works by this Act authorised they shall not be altered added to or reduced except in such manner and on such terms as shall be agreed between the Board and each of the said two Companies respectively or failing agreement as may be prescribed by arbitration :
- (11.) The reasonable costs charges and expenses of the said two Companies and their respective engineers in reference to the matters aforesaid shall be defrayed by the Board :
- (12.) Any dispute or difference which may from time to time arise between the Board on the one hand and the said two Companies or either of them on the other hand with reference to any works referred to in this section or any matter arising out of the provisions of this section shall be referred to an engineer to be appointed upon the application of either party by the Board of Trade and the decision of such arbitrator shall be final and conclusive and the costs of and incidental to such arbitration shall be borne and defrayed as he may direct :
- (13.) Nothing in this Act contained shall prejudice take away lessen or interfere with any of the property rights powers interests or privileges of either of the said two Companies otherwise than is herein expressly provided.

[*Parts omitted (as to consideration for the easement referred to in subs. 2 (b) and provisions applying during construction of works) spent.*]

FOR THE PROTECTION OF THE SOUTH-EASTERN COMPANY.

- (2.) Nothing in this Act contained shall be deemed to prejudice alter or diminish the right to close the Charing Cross footbridge now claimed to be exerciseable by the South-eastern Company under the provisions of section 30 of the Metropolis Toll Bridges Act 1877 and the said right of closure shall subject to the conditions in the said section mentioned relating to the said footbridge extend to the staircase and works connected therewith by this Act authorised and may be exerciseable by the Company in as full and complete a manner as if the said staircase and works had been included in the said section :
- (3.) If and whenever the South-eastern Company desire to widen or alter their Charing Cross Bridge on the northern side thereof so as to render necessary or expedient any interference with the said staircase and works the South-eastern Company may execute such widening or alteration as they shall think proper in all respects as if no staircase or works of the said Board existed :
- (4.) If such widening or alteration shall necessitate the removal alteration or re-erection of the said staircase and works the South-eastern Company shall give all reasonable facilities for the alteration and re-erection thereof by the Board at their expense in all things provided that no such alteration or re-erection shall be made on any lands or property or so as to involve any interference with any works of the District Company otherwise than in such manner and on such terms as may be agreed by that Company or settled by arbitration.

[Part omitted (the staircase and the works connected therewith to be executed to the reasonable satisfaction of the South-eastern Company's engineer) spent.]

FOR THE PROTECTION OF THE DISTRICT COMPANY.

- (1.) So far as the said staircase and the works connected therewith shall be upon or over any property station or works of the District Company or involve any interference therewith the same shall be executed under the supervision and to the reasonable satisfaction of the principal engineer for the time being of the District Company and shall be at all times maintained (subject to the provisions of this section) in like manner :
- (2.) The said staircase shall be made in such manner and of such materials as will obstruct as little as possible the access of light and air to the District Company's station and before commencing the same the Board shall erect proper screens or other means to protect the roof and other structures of the District Company from damage during the construction of the said staircase and after the completion of the said staircase the Board shall make and maintain such provision by a screen or other means as may be reasonably required to protect the said roof and structures from damage.

[Part omitted (compensation by the Board for damage to light and air (if any) by works) spent.]

23. [*As to separate accounts of street improvements. Superseded 51 & 52 Vict. c. 41, ss. 68 and 71.*]

24—25. [*Lambeth Vestry to contribute half the cost of the Cold Harbour Lane, and Vestry of St. Mary Newington half the cost of the Victory Place improvements. Spent.*]

PART III.

OPEN SPACES, ETC.

26. In this Act the expression Little Wormwood Scrubs means the said piece of land containing about twenty-two acres shown on the deposited plans under the heading Little (Wormwood) Scrubs and within the dotted line thereon marked "limits." Defining Little Wormwood Scrubs.

27. Little Wormwood Scrubs shall upon the passing of this Act vest in the Board and their successors in fee simple in possession free from all rights of copyholders common commonable or other similar rights in over or affecting the same and the Board shall hold the same upon trust for the perpetual use thereof by the inhabitants of the metropolis for exercise and recreation. The Board may from time to time lay out drain level plant and improve Little Wormwood Scrubs and may exercise all necessary powers for the maintenance and preservation of the same as an open space. Little Wormwood Scrubs vested in the Board.

28. [*As to compensation for rights in Little Wormwood Scrubs. Spent.*]

29. [*As to byelaws. Superseded 53 & 54 Vict. c. ccxliii. ss. 14—21, and 61 & 62 Vict. c. ccxxi. s. 61.*]

30. The Board shall lay out and form along the southern side of Little Wormwood Scrubs when vested in them under this Act a road forty feet in width as shown on the deposited plans in continuation of the archway under the West London Railway at about ten chains north of the North Pole Road. And shall metal gravel kerb channel pave sewer and complete the said new road in the same manner as other new roads in the metropolis and shall properly maintain the said new road and the sewer to be formed in the same until the said new road shall have been completed and opened to the public and the said road shall for the purpose of byelaws and other purposes be part of Little Wormwood Scrubs. But nothing in this Act or any such byelaw shall authorise the Board to close the said road at any time after it shall have been completed. Board to form new road at Little Wormwood Scrubs.

31. It shall be lawful for the vicar of St. Clement Kensington and his successors or other the owner of the piece of glebe land on the south side of and fronting on the new road to be formed by the Board (as directed in the previous section) to build on the said piece of glebe land houses fronting on the said new road and also to lay sewers or drains to connect with the sewer under the said new road and he and they and all persons authorised by him or them shall have free right of access at all times to and from the said new road: Provided always that except with the consent of the Board no house shall be built fronting on the said new road which shall be of less annual value than forty pounds or of a less prime cost value (in labour and materials) than three hundred and fifty pounds. As to building houses on the glebe land fronting the new road.

32. Notwithstanding anything shown on the deposited plans nothing in this Act shall enable the Board in any way to interfere Protecting West London Railway.

with any part of the West London Railway or transfer to the Board any of the land or property belonging to the owners of that railway but the strip of land shown on the deposited plans and numbered thereon and in the deposited books of reference 3 in the parish of Hammersmith (part of which lies under the West London Railway) may be used as a public way as part of Little Wormwood Scrubs and subject to the byelaws of the Board relating thereto. [*See note to s. 29.*]

Nothing in this Act shall prevent the Great Western and London and North-western Railway Companies from constructing over the said strip of land or the roadway formed along the same such works as may be necessary for the widening of the said railway or the constructing of additional lines of rails platforms or buildings thereon or shall entitle the Board to call upon the said two Companies or either of them to make any money payment in respect thereof. And notwithstanding anything in this Act the said two Companies may enter upon the said strip of land if it be necessary for the purpose of altering repairing maintaining renewing or extending the archway over the same :

Provided that except in case of emergency the said two Companies shall give 48 hours previous notice in writing to the engineer of the Board of their intention to enter upon the same and shall be subject to such reasonable conditions and regulations as he may prescribe for preventing traffic through the said archway from being interfered with. And provided also that if the said railway be widened over the road to be formed along the said strip of land then such widening shall (unless otherwise agreed by the Board in writing under their common seal) be constructed so as not to lessen the clear width of the said road and any footways along the same and so as to leave a headway at least as high as that of the existing archway.

33. [*Saving the rights of the Great Western and London & North-Western Railway Companies.*]

New road to
be public.

34. As from the time when the said new road is completed and open to the public the same shall become and be a public road and repairable and maintained by the street authority of the district in the same manner as other public roads and streets in their district.

DULWICH PARK.

Definitions.

35. For the purpose of this Act the expression “the amended park plan” means the plan of Dulwich Park which has been prepared for the purposes of this Act and signed by Leonard H. Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Parliament Office of the House of Lords and one other copy has been deposited at the Private Bill Office in the House of Commons and of which copies are also deposited with the Governors of Dulwich College and with the Board.

The expression “the Governors” means the persons acting as the Estates Governors in the execution of the Dulwich College scheme approved by Her Majesty in Council on the 15th day of August one thousand eight hundred and eighty-two.

The expression “Dulwich Park” means the Dulwich College lands transferred to and vested in the Board by the Act of 1885 as intended to be laid out by the Board as a park and as shown on the amended park plan by the colours light green and blue.

36. In laying out the Dulwich College lands as a public park the Board may from time to time subject to the provisions of this Act divert and alter any existing footpaths and rights of way over the same and may stop up and close any such paths and rights of way or entrances or means of access to the said lands as they may think fit :

Further powers as to Dulwich Park.

Provided that they shall not stop up or divert any existing public footpath on or over the said lands until they shall have provided a reasonably convenient substitute for the same.

The Board may every night during such hours as they may from time to time think fit between sunset and six a.m. from the first day of April to the first day of October and between sunset and seven a.m. during the rest of the year close the park formed by them on the Dulwich College lands or any part or parts thereof of which they shall from time to time have obtained possession.

37. With reference to the Dulwich College lands the following provisions shall apply :—

Further provisions as to laying out Dulwich Park.

(1.) The Board shall form and lay out and shall thereafter repair and maintain upon the site coloured yellow on the amended park plan between the points marked X and F a roadway fifteen feet in width for the purpose of affording access for all purposes from the College Road to the properties situate between the said roadway and the said College Road and also a roadway fifteen feet in width for the purpose of affording access for all purposes from the point marked Q at the north-west corner of the park to the two properties abutting on the College Road at the points marked L and M on the amended park plan :

(2.) The Board shall also form and lay out and thereafter repair and maintain upon the site coloured brown on the amended park plan a footpath twenty feet in width between the Dulwich Common Road and Lordship Lane and the said footpath shall be deemed to be in substitution for the existing footpath between Dulwich Common Road and Lordship Lane which is shown on the said plan and thereon marked "footpath to be abolished" : Provided that the line and dimensions of the said roadways and footpath respectively may be varied by agreement between the Board and the Governors :

(5.) The Board shall in laying out Dulwich Park provide on the south side of the park at the point marked P on the amended park plan a gateway of sufficient dimensions for the admission of carriages and they shall also provide a like gateway on the northern side of the park at the point marked H on the said plan or at some place not more than one hundred yards therefrom. And when the Governors shall have provided to the satisfaction of the Board land for approaches to the said gates respectively from Dulwich Common Road and Court Lane the Board shall form and make up such approaches. The Board shall also provide a gateway suitable for the admission of carriages into the said park from the Dulwich Common Road at the south-eastern corner of the park between the line of the proposed footpath coloured brown on the said plan and the property called "The Elms" also shown thereon and a

like gateway for the admission of carriages to Dulwich Park from the College Road on the western side of the park :

- (6.) On the first day of October immediately following the passing of this Act the piece of land which is coloured pink on the amended park plan and which now forms part of the Dulwich College lands transferred to and vested in the Board under the Act of 1885 shall by virtue of this Act become and be re-transferred to and vested in the governors and the piece of land coloured blue on the amended park plan together with so much of the site of the footpath coloured brown thereon as now belongs to the governors shall by virtue of this Act be transferred to and vest in the Board in the same manner and for the same intent and purposes as the said Dulwich College lands transferred to and vested in them by the Act of 1885 to the intent that the said piece of land coloured pink as aforesaid shall be exchanged for the pieces of land coloured blue and brown as aforesaid.

[Parts omitted (as to closing a certain gateway and provisions as to the fencing of Dulwich Park) spent.]

PART IV.

MISCELLANEOUS.

38. [Power to the Board to repurchase certain lands acquired by them under 40 & 41 Vict. c. ciii. and sold to one Frederick Snelling, and to resell or lease the same for labouring class dwellings. Spent.]

Transfer to Board of power and obligations for opening drawbridge in Deptford Creek Bridge.

39. As from the passing of this Act all the powers duties and obligations of the Deptford Creek Bridge Company under the said Act of George III. with respect to the opening or removal of the drawbridge or swingbridge in the Deptford Creek Bridge for the passage of ships and other vessels through the same (which were transferred to the Greenwich Board by section 24 of the Metropolis Toll Bridges Act 1877) shall be transferred to and be exercised and performed by the Board and section 20 of the Metropolitan Bridges Act 1881 shall be repealed.

[Part omitted (as to repayment of wages, etc., paid by the Greenwich Board during the period between the reconstruction of the bridge and the passing of this Act) spent.]

40—42. [Extension till 11th June 1887 of the time limited in 40 & 41 Vict. c. cccxxv. for the purchase of certain lands described in the schedule and of the time limited in 44 & 45 Vict. c. excii. for the purchase of lands in connection with the new Battersea Bridge—Powers to the Board to take lands for the street improvements—As to rehousing persons of the labouring class.]

Power to certain persons to grant easements etc. by agreement.

43. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1869 and of this Act grant to the Board any easement right or privilege (not being an easement of water) required for the purposes of this Act in or over or affecting any such lands and for the purposes of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

44—48. [*Errors and omissions in plans—Power to the Board to enter and surrey lands to be taken—As to arbitration—Board to redeem land tax on lands taken—Power to the Board to sell materials. Spent.*]

49—51. [*Power to the Board to grant building leases of surplus lands—As to sale of ground-rents and reversion thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. cccxxvii. s. 23. See *ibid.* ss. 19—22.*]

52. The Board may from time to time let either from year to year or for a less period or for a term at rackrent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act for any of the street improvements and not required for such improvements and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

53. Subject to the provisions of this Act the Board shall within such period as they may think fit which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845 after the completion of any of the street improvements for the purposes of which any lands have been acquired sell and dispose of to any person or persons and grant and convey such parts of such lands as they may have acquired under the powers of this Act and which shall not be required for any of such improvements. [*See 47 & 48 Vict. c. 50, s. 23.*]

54. [*Receipts of Board to be effectual discharges. Identical with 48 & 49 Vict. c. clxvii. s. 73.*]

55. The Board may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any of the street improvements with respect to the sale by the Board to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare acquired by the Board under the powers of this Act and not required for any of such improvements) for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Board for the purposes of this Act.

56. [*Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv.*]

57. [*Expenses of obtaining Act. Spent.*]

SCHEDULE. [*Description of lands as to which the time for purchase is extended. Spent.*]

50 VICTORIA. A.D. 1886.

CHAPTER XLI.

AN ACT TO PROVIDE FOR THE ACQUISITION OF PARLIAMENT HILL AND OTHER LANDS AND THEIR ADDITION TO HAMPSTEAD HEATH.

[25th September 1886.]

[*Preamble recites 34 & 35 Vict. c. lxxvii.*]

1. This Act may be cited as the Hampstead Heath Enlargement Act 1886.

2.

“The Board” means the Metropolitan Board of Works.*

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

Interpretation.

[*Part omitted (definition of “the Parliament Hill Estates”) rep. 51 & 52 Vict. c. cli. s. 2. See ibid. s. 3.*]

Powers of
sale and
purchase.

3. It shall be lawful for the owners of the Parliament Hill Estates or the persons who under section seven of the Lands Clauses Consolidation Act 1845 are or will be empowered to sell and convey the said estates or any part thereof or any one or more of such owners or persons on the one hand and the Board on the other hand to enter into and carry into effect any agreement or agreements for the acquisition by the Board of the Parliament Hill Estates or any part or parts thereof respectively with a view to their being preserved and maintained for ever as an open space : Provided always that any such sale or purchase shall be evidenced by a deed of conveyance duly stamped.

4. [*Powers to any vestry or district board in the metropolis to contribute such amount as they think fit towards the purchase by the Board of the Parliament Hill Estates. Spent.*]

5. [*Power to the Charity Commissioners for England and Wales to contribute to the purchase of the Parliament Hill Estates not exceeding £50,000 out of charity funds dealt with by the City of London Parochial Charities Act 1883.* Spent.*]

Powers of
Board in the
event of their
acquiring the
said lands.

6. In the event of the Board acquiring the Parliament Hill Estates or any part or parts thereof then as from the date of such acquisition the Board shall for ever keep the same open uninclosed and unbuilt upon except as regards such parts thereof as may be inclosed or built on at the date of such acquisition and shall by all lawful means prevent resist and abate all or any encroachments and attempted encroachments on the said estates and preserve them as an open space and resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof.

7. [*Incorporation of the Lands Clauses Acts. Spent.*]

Further
powers as to
added lands.

8. The sections of the Hampstead Heath Act 1871 specified in the schedule to this Act shall be incorporated with and form part of this Act and the expression “the Heath” in the said sections shall be deemed to include the Parliament Hill Estates as and when they are acquired by the Board.

9. [*Expenses of obtaining Act. Spent.*]

+ SCHEDULE referred to in the foregoing Act.

No. of Section.	Marginal Note.
13	Prohibition of alienation etc.
14	Prohibition of sale of turf gravel etc.
15	Power to drain etc.
16	Preservation of turf etc.
18	Power to build Heath keepers lodges etc.
21	Power to make byelaws.
22	Regulations respecting byelaws.
23	Allowance of byelaws.
24	Byelaw as to prohibition of drill.
25	Appointment of constables etc.
26	Powers and duties of police over Heath.
27	Arrest of transient offenders.
28	Penalty for assaulting constables etc.
37	Power to apply existing funds.

* Rep. 61 & 62 Vict. c. 22 (S.L.R.).
† See notes in 34 & 35 Vict. c. lxxvii. on the sections mentioned in this schedule which apply here.

50 & 51 VICTORIA. A.D. 1887.

CHAPTER 17.

AN ACT TO AMEND THE METROPOLIS MANAGEMENT ACTS.

[12th July 1887.]

[*Preamble recites (inter alia) that since the date of 18 & 19 Vict. c. 120 (in this Act called "the principal Act") the parish of Saint Mary Battersea has greatly increased in the number of inhabited houses, in population, and in rateable value, so as to entitle the said parish to a more complete control and management of its local affairs, and that it is therefore expedient to amend the principal Act; and that under the principal Act the parishes of Saint Margaret and Saint John the Evangelist Westminster were united and form the Westminster district, and that there is a board of works for that district constituted as in the said Act provided and acting under the provisions of that Act; and that under 25 Geo. 2, c. 23 (in this Act called the Act of George the Second) it is provided that the vestry of the said parishes shall assemble at the parish church or vestry room of St. Margaret, and that it is expedient that this should be amended.*]

1. In this Act—

"The Battersea Vestry" * means the Vestry of the parish of Saint Mary Battersea excluding Penge as incorporated by this Act; Interpretation.

"The Wandsworth District Board" † means the Board of Works for the Wandsworth district as constituted by the principal Act and as it will be constituted after the twenty-fifth day of March one thousand eight hundred and eighty-eight.

2. The principal Act as amended by any subsequent Act and this Act shall be construed together as one Act. Construction of Act.

3. The Act passed in the twenty-ninth year of Her present Majesty chapter thirty-one intituled "An Act to provide for superannuation allowances to officers of vestries and other boards within the area of the Metropolis Local Management Act" may for the purposes of this Act and for all other purposes be cited as the Superannuation (Metropolis) Act 1866. Short title of 29 Vict. c. 31.

BATTERSEA.

4. From and after the twenty-fifth day of March one thousand eight hundred and eighty-eight Separation of Battersea from the Wandsworth district.

(1.) The parish of Saint Mary Battersea excluding Penge shall cease to be united with the parishes mentioned in Schedule "B." of the principal Act as forming the Wandsworth district and the principal Act shall be read and have effect as if the said parish excluding Penge had been named in Part II. of Schedule "A." of the said Act and the vestry of the said parish shall become and be a body corporate by the name of the Vestry of the parish of Saint Mary Battersea * ;

* Now the Council of the Metropolitan Borough of Battersea. See 62 & 63 Vict. c. 14, s. 4.

† Now the Council of the Metropolitan Borough of Wandsworth. See 62 & 63 Vict. c. 14, s. 4.

- (2.) The parishes named in the said Schedule "B." (other than the said parish of Saint Mary Battersea) as forming the Wandsworth district shall form the Wandsworth district for the purposes of the said Act;
- (3.) The Board of Works for the Wandsworth district shall continue to be a body corporate by the name of the Board of Works for the Wandsworth district *;
- (4.) No person elected a member of the Wandsworth District Board by the Battersea Vestry shall remain a member of that Board and the power of that Vestry to elect any member of that Board shall as from that date cease.

5—7. [*As to election of members of the Metropolitan Board of Works by the Battersea Vestry and the Wandsworth District Board. Superseded 51 & 52 Vict. c. 41, s. 2.*]

Byelaws, etc.
in Battersea.

8. All byelaws and regulations made by the Wandsworth District Board and subsisting on the twenty-fifth day of March one thousand eight hundred and eighty-eight shall continue in force in the parish of Saint Mary Battersea and be enforceable by the Battersea Vestry instead of the Wandsworth District Board until repealed or altered in accordance with the law applicable thereto.

9. [*Vesting in the Battersea Vestry of the hereditaments, offices, and buildings of the Wandsworth District Board situate in Battersea Rise, Battersea, and the furniture and fittings thereof: of all hereditaments belonging to the Wandsworth District Board situate within the parish of Saint Mary Battersea; and of all chattels belonging to the Wandsworth District Board used solely for the purposes of the said parish of St. Mary Battersea; and requiring the said Vestry to pay to the Wandsworth District Board £2,176 for the said premises in Battersea Rise and the said furniture and the fittings thereof; and as to apportionment of claims, debts, and expenses. Spent.*]

As to paro-
chial officers.

10. Any officers in the service of the Wandsworth District Board whose duties are confined solely or mainly to the parish of Saint Mary Battersea or whom the said District Board at any time previously to the said twenty-fifth day of March one thousand eight hundred and eighty-eight shall by resolution declare ought fairly to be transferred to the service of the Battersea Vestry shall be transferred to the service of the said vestry upon the terms and conditions in each case of the appointment under the said District Board; and with respect to every such officer and to any other officer of the said District Board who shall within one year from the said day be appointed to an office in the service of the Battersea Vestry the time during which he shall have been in the service of the Wandsworth District Board shall in computing the time of his service for the purpose of superannuation under the Superannuation (Metropolis) Act 1866 be added to the time during which he shall have been in the service of the Battersea Vestry provided that every such resolution shall state the grounds on which the Wandsworth District Board considers that the officer or officers named therein ought fairly to be transferred to the service of the Battersea Vestry.

29 & 30 Vict.
c. 31.

11. [*As to arbitration in case of difference arising as to apportionment. Spent.*]

* Now the Council of the Metropolitan Borough of Wandsworth. See 62 & 63 Vict. c. 14, s. 4.

WESTMINSTER.

12. From and after the twenty-fifth day of March one thousand eight hundred and eighty-eight the Westminster district as constituted by and for the purposes of the principal Act shall cease to exist and the Board of Works for that district shall be dissolved and the said Act shall be read and have effect as if the parishes of Saint Margaret and Saint John the Evangelist Westminster had been named in Part II. of Schedule A. of the said Act . . . and the vestries of the said parishes shall from that date become and be a body corporate by the name of the United Vestry of the parishes of Saint Margaret and Saint John the Evangelist Westminster.*
[Part omitted (as to election of a member of the Metropolitan Board of Works) superseded 51 & 52 Vict. c. 41, s. 2.]

Dissolution of District Board of Westminster and incorporation of United Vestry.

13. From and after the said twenty-fifth day of March one thousand eight hundred and eighty-eight all property claims assets debts liabilities and obligations of the Board of Works for the Westminster district together with all duties and powers of the said Board shall vest in and be assumed by the United Vestry of the parishes of Saint Margaret and Saint John the Evangelist Westminster.*

Property, claims, etc. of Westminster Board to vest in the Vestry.

14. All byelaws and regulations made by the Board of Works for the Westminster district and subsisting on the twenty-fifth day of March one thousand eight hundred and eighty-eight shall continue in force in the parishes of Saint Margaret and Saint John the Evangelist Westminster† and be enforceable by the said United Vestry until repealed or altered in accordance with the law applicable thereto.

Byelaws, etc. in Westminster.

15. All purchases sales conveyances grants assurances deeds contracts bonds and agreements made and entered into before the twenty-fifth day of March one thousand eight hundred and eighty-eight by to or with the Board of Works for the Westminster district † shall be as binding and of as full force and effect in every respect against or in favour of the said United Vestry and may be enforced as fully and effectually as if instead of the said District Board the said United Vestry had been a party thereto. . . . *[Part omitted (as to pending actions) spent.]*

As to contracts, etc. and actions of Westminster Board prior to passing of Act.

16. The officers in the service of the Board of Works for the Westminster district on the said twenty-fifth day of March one thousand eight hundred and eighty-eight shall on that day be transferred to the service of the United Vestry of the said parishes upon the same terms and conditions and for the performance of the same duties in each case as those under and for the performance of which they hold their appointment under the Board of Works for the said district; and with respect to every such officer and to any other officers of the said Board of Works who shall within one year from the passing of this Act be appointed to an office in the service of the said United Vestry the time during which he shall have been in the service of the said District Board shall in computing the time of his service for the purpose of the Superannuation (Metropolis) Act 1866 be added to the time during which he shall have been in the service of such Vestry.

Westminster Board officers.

* Now the Mayor, Aldermen, and Councillors of the City of Westminster. See 62 & 63 Vict. c. 14, s. 4; and Letters Patent dated 27th October 1900.

† Now a part of the city of Westminster. See 62 & 63 Vict. c. 14, s. 4 and 1st Schedule.

Altering time and place of Westminster Vestry meetings.

17. So much of the Act of George the Second* as requires the meetings of churchwardens overseers of the poor and vestrymen and other inhabitants of the parishes of Saint Margaret and Saint John the Evangelist Westminster therein mentioned to be held in the parish church or vestry room of Saint Margaret at the times therein mentioned is hereby repealed and instead thereof the said meetings shall be held at the Town Hall Caxton Street in the city of Westminster. . . . [*Part omitted (as to first and second meetings) spent.*]

18. [*As to payment of rate collectors under 25 Geo. 2, c. 23.* Spent.*]

Short title.

19. This Act may be cited for all purposes as the Metropolitan Management (Battersea and Westminster) Act 1887.

CHAPTER 31.

AN ACT FURTHER TO AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS; AND FOR OTHER PURPOSES. [23rd August 1887.]

[*Preamble recites 49 & 50 Vict. c. 44 (in this Act referred to as "the Act of 1886").*]

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1887, and the Metropolitan Board of Works (Money) Acts, 1875 to 1886, and this Act, may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1887.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1886.

Interpretation.

3. The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

[*Part omitted (definition of "Parks and Open Spaces Acts") spent.*]

4—5. [*Amendment of ss. 8 and 10 of 49 & 50 Vict. c. 44—Power to the Board to expend moneys for the purposes of 50 & 51 Vict. cc. 34, cvi., and clxxii. Spent.*]

Composition for stamp duties.

6. For the purposes of the Customs and Inland Revenue Act, 1887, the Board may from time to time pay out of the Consolidated Loans Fund (notwithstanding the provisions of section twenty-eight of the Metropolitan Board of Works (Loans) Act, 1869) such sums as shall be charged under that Act by way of composition for stamp duties on stock and annuities issued or granted after the first day of August one thousand eight hundred and eighty-seven.

7. [*Power to the Board to lend till 31st December 1888 to the Vestry of Saint Pancras for purposes authorised by the St. Pancras Loans Amendment Act 1887. Spent.*]

Power to lend to the Receiver of the Metropolitan Police.

8. Section nine of the Act of 1886 is hereby repealed, and the Receiver of the Metropolitan Police District may borrow from the Board, and the Board may from time to time up to the thirty-first day of December one thousand eight hundred and eighty-eight lend to the Receiver on the security of the Metropolitan Police Fund as defined by section seven of the Metropolitan Police Act, 1886, such

* This Act (25 Geo. 2, c. 23) is rep. by the Westminster Order in Council 1901 made under 62 & 63 Vict. c. 14.

sums as the Receiver is from time to time authorised to borrow not exceeding in the whole the sum of five hundred thousand pounds, and for the purpose of securing the repayment of any such sums and interest the Receiver may mortgage to the Board the Metropolitan Police Fund as so defined.

Money borrowed from and lent by the Board under this section may, notwithstanding anything in any other Act, be made repayable either in one sum or by instalments as the Board and the Receiver shall agree, and in either case shall be repaid to the Board with interest within such time after borrowing as the Receiver with the sanction of one of Her Majesty's principal Secretaries of State and the Board with the approval of the Treasury may agree.

Provided that the time after the borrowing within which such moneys shall be repaid to the Board shall not exceed in the case of a loan for the purchase of freehold land sixty years, and for any other purpose thirty years.

9. *[Power to the Board to expend moneys for sundry purposes during 1888. Spent.]*

10. . . . All the provisions of the Main Drainage Acts and the Metropolitan Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section; and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively. *[Part omitted (as to power to the Board to expend not exceeding £370,000 during the year ending 31st December 1888 for the purposes of main drainage and main sewers) spent.]*

Special power to expend money for purposes of main drainage and main sewers.
18 & 19 Vict.
c. 120.

11.

(iii.) Money borrowed from and lent by the Board under this section may, notwithstanding anything in any other Act, be made repayable either in one sum or by instalments, as the Board and the borrowers shall agree, and in either case shall be repaid to the Board with interest within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, shall agree: Provided that the time after the borrowing within which such money shall be repaid to the Board shall not exceed in the case of a loan for the purpose of improvements in relation to streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

Power to lend to vestries, district boards, corporation, commissioners, burial boards, or other public bodies.

(iv.) Section thirteen of the Metropolitan Board of Works (Money) Act, 1886, and the corresponding sections in the Metropolitan Board of Works (Money) Acts, 1875 to 1885, shall be deemed to have authorised and to authorise any such corporation, commissioners, burial boards, or other public body as last aforesaid to borrow from the Board and the Board to lend, upon the term of the repayment of the money borrowed being spread over a series of years, whether such corporation, commissioners, burial board, or other public body had or have, or had or have not otherwise power to borrow upon the terms of the repayment of the money borrowed being spread over a series of years, and commissioners for public libraries and museums appointed or hereafter to be appointed under the Public Libraries Act, 1855,* by the vestry

18 & 19 Vict
c. 70.

* Rep. and replaced by the Public Libraries Act 1892.

of any parish in the metropolis as defined by the Metropolitan Management Act, 1855,* are hereby declared to be commissioners duly appointed, notwithstanding that such parish may be a parish in Schedule B. to the last-mentioned Act, and any loan by the Board to commissioners so appointed, and any security given by such commissioners to the Board, shall be deemed in all respects valid and effective, provided the sanction of the vestry and the Local Government Board be given to the borrowing by the commissioners.

[Part omitted (as to power to the Board to lend till 31st December 1888 to vestries and district boards and other public bodies levying rates in the metropolis) spent.]

Power to lend
to boards of
guardians.
18 & 19 Vict.
c. 120.

12.

Money borrowed from and lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to the Board, with interest, within such time after the borrowing as the borrowers with the consent of the Local Government Board, and the Board with the approval of the Treasury, shall agree, not exceeding thirty years.

[Part omitted (as to power to the Board to lend to boards of guardians in the metropolis till 31st December 1888. Spent.)]

13. [Extension till 31st December 1888 of the amount which the Board may lend to the Managers of the Metropolitan Asylum District. Spent.]

14. [Power to the Board to lend till 31st December 1888 to the School Board for London—Provision as to repayment within not exceeding 50 years. Superseded 2 Edw. 7, c. 42, s. 5, and second schedule, and 3 Edw. 7, c. 24, s. 1.]

Protection of
Board in case
of certain
loans.

15. Where under the authority of this or any other Act the Board lend any moneys to any corporation, body of commissioners, public body, or persons, the exercise of whose powers of borrowing is subject to the consent of the Local Government Board, the sanction of that Board to the borrowing of such moneys shall in every such case be conclusive evidence that such corporation, body of commissioners, public body, or persons had power to borrow such moneys.

16.

Power to
raise consoli-
dated stock.

- (i.) Where the Board under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within a period not exceeding thirty years from the date of such loan, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any less period for which the same may be made, an amount of consolidated stock equal to that so created; and
- (ii.) Where the Board are by this Act authorised to make a loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payments of the dividends on consolidated stock: Provided that no such moneys shall be used for any loan repayable at a date later than the date at which the consolidated

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

stock redeemable by means of the moneys so used is required to be redeemed at par.

- (iii.) Where the Board are authorised by the Act of 1886 or this Act to raise money for any purpose, the Board, instead of raising such money by the creation of consolidated stock, may, with the approval of the Treasury, use for such purpose any moneys for the time being forming part of the Consolidated Loans Fund, and not required for the payment of the dividends on consolidated stock : Provided that no such moneys shall be so used unless provision has been made in such manner as the Treasury approve for repaying the same to the Consolidated Loans Fund at or before the date at which consolidated stock redeemable by means of such moneys is required to be redeemed at par, and in every such case the Board shall from time to time raise as part of the consolidated rate such sums as the Treasury approve as being in their opinion sufficient for the repayment at or before the date aforesaid of the moneys used for such purpose and for the payment of the interest on the moneys so used, and such sums shall from time to time be carried by the Board to the Consolidated Loans Fund.

- (iv.) Where the Board raise consolidated stock for the purpose of any scheme made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875,* or the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1885,* and confirmed by Provisional Order and Act of Parliament, there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875,*) to the consolidated rate out of the local rate as defined by the said last-mentioned Act all moneys required for payment of dividends on and the redemption of all consolidated stock created for such purpose.

[Part omitted (power to the Board to raise consolidated stock for the purposes of this Act) spent.]

17. [Power to the Board within 12 months after the issue of stock to apply moneys raised by stock to make up dividends from certain fixed dates. Spent.]

18—22. [Power to the Board to raise money by metropolitan bills, and provisions relating thereto. Spent.]

23. [Limitation of power of borrowing in s. 38 of 32 & 33 Vict. c. 102 not to extend to moneys raised under this Act. Spent.]

24. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

Repayments to be carried to Consolidated Loans Fund.

25. [Limit to exercise of borrowing powers. Spent.]

26. Sections twenty-seven to forty-three inclusive of the Metropolitan Board of Works (Money) Act, 1885, shall be deemed to be incorporated with this Act.

Incorporation of sections 27 to 43 of 48 & 49 Vict. c. 50.

FIRST SCHEDULE. [Particulars of new money powers conferred by this Act. Spent.]

SECOND SCHEDULE. [List of Parks and Open Spaces Acts referred to in s. 3. Spent.]

* Rep. and replaced by the Housing of the Working Classes Act 1890.

CHAPTER 32.

AN ACT FOR EXTENDING CERTAIN PROVISIONS OF THE METROPOLITAN OPEN SPACES ACTS, 1877 AND 1881, WITH AMENDMENTS, TO SANITARY DISTRICTS THROUGHOUT ENGLAND, WALES, AND IRELAND; AND FOR OTHER PURPOSES. [23rd August 1887.]

[*Preamble recites 40 & 41 Vict. c. 35, and 44 & 45 Vict. c. 34 (in this Act called "the principal Acts").*]

1. [*The expressions "urban sanitary district" and "urban authority" and "rural sanitary district" and "rural authority" to have in this Act the meanings assigned to them respectively by the Public Health Act 1875. Not applicable to London.*]

Amendment
of 44 & 45
Vict. c. 34.

2. (1.) The Metropolitan Open Spaces Act, 1881, is hereby repealed to the extent mentioned in the Schedule to this Act, and the second section of the said Act is hereby amended, as follows (that is to say), the purchase money paid for or in respect of the purchase of any open space as therein mentioned shall be held in trust, either as in the said section mentioned, or as the case may be, for the benefit of the objects to which any rates previously imposed in respect of such open space had been applied.

(2.) The playing of any games or sports shall not be allowed in any churchyard, cemetery, or burial ground in or over which any estate, interest, or control is acquired under section five of the Metropolitan Open Spaces Act, 1881.

Provided that—

(a.) In the case of consecrated ground, the bishop, by any license or faculty granted under the Metropolitan Open Spaces Act or this Act, and

(b.) In the case of any churchyard, cemetery, or burial ground which is not consecrated, the body from which any such estate, interest, or control as aforesaid is acquired

may expressly sanction any such use of the ground, and may specify any conditions as to the extent or manner of such use.

Provision as
to removal of
tombstones
and monu-
ments.

3. In the case of any disused churchyard, cemetery, or burial ground, at least three months before any tombstone or monument is moved, the following steps shall be taken:

(a.) A statement shall be prepared sufficiently describing by the name and date appearing thereon the tombstones and monuments standing or being in the ground, and such other particulars as may be necessary;

(b.) Such statements shall be deposited with the clerk of the board* or vestry,* and shall be open to inspection by all persons;

(c.) An advertisement of the intention to remove or change the position of such tombstones and monuments shall be inserted three times at least in some newspaper circulating in the neighbourhood of the burial ground, and such advertisement shall give notice of the deposit of such statement as is hereinbefore described, and of the hours within which the same may be inspected;

(d.) A notice in terms similar to the advertisement shall be placed on the door of the church (if any) to which such churchyard, cemetery, or burial ground is attached, and shall be delivered or sent by post to any person known or believed by the board* or vestry* to be a near relative of

* Now the Clerk of the London County Council (see 51 & 52 Vict. c. 41, s. 40 (8)) or the Town Clerk of the Metropolitan Borough (see 62 & 63 Vict. c. 14, s. 4), as the case may be.

any person whose death is recorded on any such tombstone or monument.

In the case of any consecrated ground no application for a faculty shall be made until the expiration of one month at least after the appearance of the last of such advertisements as aforesaid.

Provided that on any application for a faculty, nothing shall prevent the bishop from directing or sanctioning the removal of any tombstone or monument if he is of opinion that reasonable steps have been taken to bring the intention to effect such removal to the notice of some person having a family interest in such removal.

4. In the Disused Burial Grounds Act, 1884, and this Act, the expression "burial ground" shall have the same meaning as in the Metropolitan Open Spaces Act, 1881, as amended by this Act, and the expression "disused burial ground" shall mean any burial ground which is no longer used for interments, whether or not such ground shall have been partially or wholly closed for burials under the provisions of any statute or Order in Council, and the expression "building" shall include any temporary or moveable building.

Amendment
of 47 & 48
Vict. c. 72.

5. [*Extension of certain provisions of the Metropolitan Open Spaces Acts to urban and certain rural sanitary districts. Not applicable to London.*]

6. All powers and duties conferred upon the Metropolitan Board * by the Metropolitan Open Spaces Act, 1877, may, after the passing of this Act, be exercised and performed by any vestry or district board of works for the parishes and districts specified in Schedules A. and B. of the Metropolitan Management Act, 1855, as amended by subsequent Acts.†

Extension of
40 & 41 Vict.
c. 35, to
vestries and
district
boards.

7—8. [*Power to any corporation (not being a municipal corporation) to make over lands for open spaces to any urban or rural authority—As to expenses of urban and rural authorities incurred under this Act. Not applicable to London.*]

9. This Act shall not extend to any land belonging to Her Majesty in right of her Crown or of her Duchy of Lancaster, or to any garden or ornamental ground for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings.

Saving for
Crown lands.

10. [*As to byelaws of urban and rural authorities. Not applicable to London.*]

11. The Metropolitan Board * . . . may exercise all the powers given to them by the Metropolitan Open Spaces Act, 1881, or this Act respecting open spaces, churchyards, cemeteries, and burial grounds transferred to them in pursuance of the said Act or of this Act in respect of any open spaces, churchyards, cemeteries, and burial grounds of a similar nature which are or shall be vested in them in pursuance of any other statute, or of which they are otherwise the owners. [*Words omitted ("or the sanitary authority") not applicable to London.*]

Power over
open spaces
already
vested in
sanitary
authority

12. The Metropolitan Board * may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Power of
Metropolitan
Board with
respect to
public walks
or pleasure
grounds.

13. [*Extension of the principal Acts and this Act to Ireland.*]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

Short title
and con-
struction.

14. This Act may be cited as the Open Spaces Act, 1887, and may be read with the principal Acts as one Act.

SCHEDULE.

Portions of the Metropolitan Open Spaces Act, 1881, repealed.

In section one, the following words occurring in the definition of an "open space," viz., "but shall not include any enclosed land which has not a public road or footpath completely round the same."

In the same section, the following words occurring in the definition of a "burial ground," viz., "and in which interments have taken place since the year 1800."

In the second paragraph of section five, the words, "but such metropolitan board, vestry, or district board shall not allow the playing of any games or sports therein."

CHAPTER 34.

AN ACT FOR THE TRANSFER TO THE METROPOLITAN BOARD OF WORKS
AND THE MAINTENANCE OF CERTAIN PUBLIC PARKS AND WORKS
IN THE METROPOLIS. [23rd August 1887.]

[*Preamble recites that the parks, garden, bridge, and embankment hereinafter mentioned have hitherto been maintained at the cost of the Exchequer, and that it is expedient that they should be maintained out of local rates.*]

Short title.

1. This Act may be cited as the London Parks and Works Act, 1887.

Transfer of
certain
London
parks and
works.

2.—(1.) From and after the date of transfer the management and control of the parks, garden, embankment, and bridge herein-after mentioned, and in this Act referred to as the parks and works; that is to say,

Victoria Park,
Battersea Park,
Kennington Park,*
Bethnal Green Museum Garden,
and
Chelsea Embankment,

as the same are particularly delineated and specified on certain plans signed in duplicate by the Right Honourable David Plunket, the Chairman of the Committee of the House of Commons, to whom the Bill for this Act was referred (one copy of the said plans being deposited at the Private Bill Office of the House of Commons, and one copy at the office of the Metropolitan Board of Works†), and Westminster Bridge, with the foundations, structure, and materials thereof and thereon, and the approaches thereto on either side, so far as such approaches are coloured on a plan signed and deposited as aforesaid, shall be transferred from the Commissioners of Her Majesty's Works and Public Buildings (in this Act referred to as the "Commissioners of Works") to the Metropolitan Board of Works† (in this Act referred to as the "Board"), and the Board shall have and may exercise the same rights, powers, and control over any licensees or contractors as the said Commissioners have and may exercise at the date of transfer, and the parks and works shall as from such date vest in the Board without any conveyance, assignment, or transfer for the same estate and interest and (save

* See also 51 & 52 Vict. c. clvi. s. 28.
† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

as by this Act otherwise expressly provided) subject to and with the benefit of the same covenants, agreements, limitations, and rights for and subject to which the same were vested in the said Commissioners and the Science and Art Department respectively immediately prior to the date of transfer, but freed and discharged from all mortgages, debts, and incumbrances: and the parks and works shall for ever thereafter be kept open and managed, maintained, and repaired by the Board for the use of the public, with the same liability and to the same extent as the same are at the date of transfer kept open and managed, maintained, and repaired by the Commissioners of Works: Provided always, that nothing in this section shall be deemed to affect the estate, rights, and privileges of Her Majesty in right of her Crown in Victoria Park. [See 35 & 36 Vict. c. lxi. s. 3, and note thereon.]

(2.) The cost of keeping open, managing, maintaining, and repairing the parks and works shall be paid by the Board out of the consolidated rate,* and no part of the metropolis shall be entitled to any exemption from such part of the consolidated rate* as is required for the purpose of defraying such cost. . . . [Part omitted (as to the manner in which expenses of permanent improvements or alterations in the parks and works are to be defrayed) superseded by the London County Council (Money) Acts 1888—1904.]

3.

(2.) All the provisions of section forty-one of the Metropolitan Board of Works (Various Powers) Act, 1882, with regard to the making, alteration, revocation, contents, confirmation, publication, and evidence of byelaws relating to bridges and embankments, and to securing the observance of such byelaws, and to penalties and proceedings before Justices, and the recovery and application of penalties in relation thereto, shall extend and apply to the embankment and bridge the management and control of which are transferred to the Board under this Act. The . . . byelaws made under the Act of 1882 for the management and regulation of bridges and embankments, and confirmed by the Home Secretary on the twenty-eighth day of November one thousand eight hundred and eighty-four, shall, unless and until and except in so far as they may be altered or limited by byelaws made under . . . the said Act[s] as amended by this Act, apply . . . to the embankment and bridge . . . , the management and control of which are transferred to the Board under this Act. Provided that no byelaws made under . . . the said Act[s] as amended by this Act shall come into force in respect of or affect any of the parks and works until the date of transfer.

Byelaws.
40 & 41 Vict.
c. viii.
45 & 46 Vict.
c. lvi.

[Parts omitted (application to the parks, garden, and embankment of the byelaws then in force under the Metropolitan Board of Works Act 1877) superseded 53 & 54 Vict. c. cexliii. ss. 14—21, and 61 & 62 Vict. c. cexxi. s. 61.]

4. [Cesser of obligations of the Commissioners of Works as to the parks and works transferred, and cesser of application thereto of laws, provisions, byelaws, rules, and regulations with respect to royal parks. Spent.]

5. From and after the date of transfer section one of an Act passed in the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, intituled,

Amendment
of 35 & 36
Vict. c. 53.

* Now the county rate. See 51 & 52 Vict. c. 41, s. 68.

"An Act to confirm an agreement for the purchase by the Metropolitan Board of Works of certain land adjoining Victoria Park and for the appropriation of such land as part of the same park" shall be read and construed as though the words "and the Metropolitan Board of Works shall not be liable to the payment of any taxes, tithe rentcharges, or other outgoings for the same," had been omitted therefrom.

Transfer of
officers.

6. Every person holding any office (whether as park keeper, gardener, superintendent, or otherwise) under the Commissioners of Works in connexion with the parks and works transferred by this Act to the Board, shall, if so required by the Commissioners of Works, become an officer of the Board, and shall continue to hold his office by the present tenure and be bound to perform his present duties and shall be entitled while holding such office and performing such duties to receive not less salary or remuneration than at present, and if he has at the passing of this Act, or would have if he continued to serve under the Commissioners of Works a right to a pension, he shall be entitled on his retirement to not less pension than if he had continued to serve the Commissioners of Works, and for the purpose of such pension may reckon his service under the Commissioners of Works and also his service under the Board, and every such pension shall, in the first instance, be paid by the Board: Provided that there shall be repaid to the Board, out of moneys to be provided by Parliament, so much of such pension as is payable in respect of the person's service before the date of his transfer under this Act, regard being had to the amount of salary then paid, but without taking into account any number of years added to his service on account of abolition of office.

The Board may nevertheless from time to time distribute among the said officers and any other officers appointed by them the duties to be performed by them, and deal with the said officers in such manner by way of remuneration, supersession, and variation of duties as they think expedient for the public interest and just to such officers, so however that an officer transferred shall not be required without his consent to perform duties which are not the same as or analogous to his duties at the passing of this Act.

Date of
transfer.

7. The date of transfer of the parks and works transferred by this Act shall be the first day of November one thousand eight hundred and eighty-seven.

CHAPTER 45.

AN ACT FOR FURTHER AMENDING THE ENACTMENTS RELATING TO OFFICES, STATIONS, AND BUILDINGS FOR THE METROPOLITAN POLICE FORCE. [16th September 1887.]

[*Preamble recites 49 & 50 Vict. c. 22.*]

Short title.

1. This Act may be cited as the Metropolitan Police Act, 1887, and this Act and the Metropolitan Police Acts, 1829 to 1886, may be cited together as the Metropolitan Police Acts, 1829 to 1887.

Extension of
borrowing
powers under
49 Vict. c. 22.
s. 3.

2.—(1.) For the purposes referred to in section three of the Metropolitan Police Act, 1886, the Police Receiver shall have power to borrow further sums not exceeding in the aggregate three hundred thousand pounds, and that section shall have effect as if five

hundred thousand pounds were therein substituted for two hundred thousand pounds.

(2.) The purposes referred to in that section shall include the purchase of furniture and fittings for the said central office, but all sums borrowed for the purchase of furniture or fittings shall be repaid, with the interest thereon, within a period not exceeding fifteen years.

(3.) A lender shall not be concerned to see or inquire for what purpose any money is borrowed under the said Act as amended by this Act.

[Amended 60 & 61 Vict. c. 42, s. 1.]

3. The Police Receiver may from time to time, with the approval of one of Her Majesty's principal Secretaries of State, grant leases, for such terms as the Secretary of State may approve, of land for the time being held by the Police Receiver and appearing to the Secretary of State to be not immediately required for the purposes for which the Police Receiver is authorised to hold land. [See 60 & 61 Vict. c. 26, s. 4.]

Power to
lease land
not imme-
diately
required.

4. Whereas a small piece of land, being an extension of Cannon Row, and containing sixty-three superficial yards or thereabouts, is bounded on three sides by land vested or about to be vested in the Police Receiver, and is believed to be vested in the Board of Works for the Westminster district, and is not required for the purposes for which that Board is authorised to hold land, but doubts have been entertained whether that Board has power to transfer the said piece of land to the Police Receiver and to extinguish the rights (if any) of the public over the same, and it is expedient to remove those doubts; be it therefore enacted that the said Board may by agreement transfer the said piece of land to the Police Receiver, and thereupon all public rights (if any) over the said piece of land shall be extinguished.

Provision as
to piece of
land extend-
ing from
Cannon Row.

CHAPTER CI.

AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA AT SHADWELL WITHIN THE METROPOLIS.

[12th July 1887.]

[Preamble.]

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

Order in
schedule
confirmed.
Short title.

2. This Act may be cited as the Metropolis (Cable Street, Shadwell) Provisional Order Confirmation Act, 1887.

SCHEDULE.

THE METROPOLIS (CABLE STREET, SHADWELL) IMPROVEMENT, 1886.

[Provisional Order of the Home Secretary dated 23rd May 1887 confirming a Scheme of the 12th November 1886 prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Acts 1875—1885, for the improvement of an unhealthy area in the parish of St. Paul, Shadwell, in the district of Limehouse. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 910, and that there are three empty houses, six houses and shops not occupied by persons

of the working class, and a common lodging house registered for 60 persons, so that the total number of occupants in dwellings and registered lodging houses is 970. The Order provides for clearing the improvement area and for the erection thereon of dwellings to accommodate 970 persons of the working class, and provides for the widening, as shown by dark red lines on the plan No. 24B annexed to the Order, of Victoria Street, so far as affected by the Scheme, on the east side thereof by about 4 feet, and for the formation of a new street, 30 feet wide, in substitution for Angel Gardens, and for its continuation as shown on the plan to the rear of the houses in High Street, Shadwell, and for the formation of a new street, 30 feet wide, to connect Victoria Street with Albert Street, crossing the proposed new street. Spent.]

CHAPTER CII.

* AN ACT TO CONFIRM A PROVISIONAL ORDER OF ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR THE IMPROVEMENT OF AN UNHEALTHY AREA AT ST. GILES-IN-THE-FIELDS WITHIN THE METROPOLIS. [12th July 1887.]

[Preamble.]

1. The Order set out in the schedule hereunto annexed is hereby confirmed.

2. This Act may be cited as the Metropolis (Shelton Street, St. Giles) Provisional Order Confirmation Act, 1887.

SCHEDULE.

THE METROPOLIS (SHELTON STREET, ST. GILES) IMPROVEMENT, 1886.

[Provisional Order of the Home Secretary dated 23rd May 1887 confirming a Scheme of the 12th November 1886, prepared by the Metropolitan Board of Works under the Artizans and Labourers Dwellings Improvement Acts 1875—1885, for the improvement of an unhealthy area in the parish of St. Giles-in-the-Fields, in the district of the St. Giles District Board of Works. The Order recites that the number of persons of the working class to be displaced by the Scheme is estimated at 861, and that there are 5 houses and shops not occupied by persons of the working class, and 12 common lodging houses registered for 347 persons, so that the total number of occupants in dwellings and registered lodging houses is 1,208. The Order provides for clearing the improvement area and for the erection thereon of dwellings to accommodate 660 persons of the working class, and requires the widening of Shelton Street to about 30 feet from Drury Lane to No. 36, as shown by a dark red line on the plan 23 B referred to in the Order. Spent.]

CHAPTER CVI.

AN ACT TO CONFER FURTHER POWERS ON THE METROPOLITAN BOARD OF WORKS AS TO STREETS BRIDGES AND OPEN SPACES AS TO THE DRAINAGE OF A DETACHED PORTION OF CLERKENWELL PARISH AND FOR OTHER PURPOSES. [12th July 1887.]

[Preamble recites (inter alia) that it is expedient that the Metropolitan Board of Works† (in this Act called "the Board") should be authorised to make the street improvements and works in the Act mentioned and that plans have been deposited with the Clerks of the Peace of Middlesex, Kent, and Surrey, and recites 34 and 35 Vict. c. clxxxi.; 40 and 41 Vict. c. cexxxv.; 44 and 45 Vict. c. excii.; 45 and 46 Vict. c. ccxxii.; and 47 & 48 Vict. c. cexxxviii.]

* This Act is amended by 54 Vict. c. liii.

† Now the London County Council. See 51 and 52 Vict. c. 41, s. 40 (8).

PART I.—PRELIMINARY.

1. This Act may be cited as the Metropolitan Board of Works Short title.
(Various Powers) Act 1887.

2. In this Act the following words and expressions have the several Interpreta-
tion of terms.
meanings hereby assigned to them unless there be something in the
subject or context repugnant to such construction (that is to say):—

“The street improvements” mean Canterbury Road bridge and
approaches and the widening of Elm Street authorised by
this Act ;

“Wandsworth Common conservators” means the body of con-
servators incorporated under the Wandsworth Common Act
1871 ;

“The detached portion of Clerkenwell parish” means the
detached portion of the parish of Clerkenwell which is
situate at Muswell Hill and joins the local board districts
of Tottenham Hornsey and Friern Barnet ;

“The Gray’s Inn Road plan” means the plan deposited under the
Metropolitan Street Improvements Act 1877 (Amendment)
Act 1882 with the respective Clerks of the Peace for the
County of Middlesex and the City of Westminster ;

“The Lands Clauses Acts” means the Lands Clauses Consolida-
tion Acts 1845 1860 and 1869 (except section 133 of the
Lands Clauses Consolidation Act 1845) as amended by the
Lands Clauses (Umpire) Act 1883 ;

“Metropolis” means the metropolis as defined by the Metropolis
Management Act 1855 ;

“Street” has the meaning assigned to that term in the Metro-
polis Management Act 1855 and the Acts amending the
same ;

“Street authority” means with respect to any parish mentioned
in Schedule A to the Metropolis Management Act 1855 or to
any district formed by the union of the parishes mentioned
in Schedule B to the said Act the vestry of such parish * or the
board of works for such district * as the case may be and the
term “district” in relation to a street authority means
the area subject to the jurisdiction of such street authority ;

[Part omitted (definitions of “Justice,” “two Justices,” “lessee,”
and “person,” and as to meanings of words in Acts incorporated)
spent.]

3. This Act is divided into parts as follows :—

I.—Preliminary.

II.—Street Improvements.

III.—Open Spaces etc.

IV.—Disposal of Sewage in the the detached portion of
Clerkenwell Parish.

V.—Miscellaneous.

Division of
Act into
parts.

4. The Lands Clauses Acts are (except where expressly varied
by this Act) incorporated with and form part of this Act.

Incorporation
of Lands
Clauses Acts.

5. [Board may appoint committees to execute the Act. Superseded
by the Municipal Corporations Act 1882, s. 22 (see Appendix), and
51 and 52 Vict. c. 41, ss. 40 and 75.]

* Now the council of the metropolitan borough. See 62 & 63 Vict. c. 14, s. 4.

PART II.—STREET IMPROVEMENTS.

Power to
make certain
works.

6. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make and carry into execution all or any of the works described in this Act that is to say:—

CANTERBURY ROAD BRIDGE AND APPROACHES.

A bridge over the Grand Surrey Canal on the site of the existing swing bridge over the same at the northern end of the Canterbury Road partly in the parish of St. Paul Deptford and partly in the parish of Camberwell in the county of Surrey* with approaches thereto as follows:—

On the south side commencing in the said Canterbury Road at or near the boundary between the said two parishes opposite the junction of Penarth Street and Canterbury Road and terminating at the said bridge.

On the north side commencing at the southern end of Ilderton Road at or near its junction with Verney Road in the parish of Camberwell and terminating at the said bridge at or near the boundary between the said two parishes.

An approach road commencing at the bridge carrying the South London line of the London Brighton and South Coast Railway over the site of a new road called Stockholm Road between the said canal and Zampa Road in the parish of St. Paul Deptford and terminating in the said parish of Camberwell by a junction with the approach last hereinbefore described about two chains northward of the said bridge and the Board in constructing the said bridge and approaches may construct dams or other works in the Grand Surrey Canal.

WIDENING OF ELM STREET.

The widening of Elm Street on the southern side thereof between Gray's Inn Road and Mount Pleasant in the parish of St. Andrew Holborn.

For the
protection of
the Surrey
Commercial
Dock Com-
pany.

7. In exercising the powers by this Act conferred the Board and all other persons exercising or claiming to exercise such powers shall be subject to the following provisions for the protection of the Surrey Commercial Dock Company (hereinafter called the Dock Company) and of the Surrey Canal (hereinafter called the Canal):—

(1.) Nothing in this Act shall empower the Board to purchase or take any land or property of the Dock Company but the Board shall have without payment the easement or right of constructing maintaining and from time to time repairing and renewing the bridge and works authorised by this part of this Act and the approaches thereto and the works connected therewith so far as they will be made across or upon the canal towing-path and lands of the Dock Company.

(6.) The Board shall leave on the south side of the bridge an opening through the approach having a clear span of not

* Now the county of London. See 51 and 52 Vict. c. 41, s. 40 (2).

less than thirteen feet and a clear headway of not less than twelve feet in every part and shall form a carriageway under the same and approaches thereto with gradients not steeper than one in twenty with proper provisions for drainage.

- (8.) During the making of the bridge and any repair or renewal thereof there shall at all times be left open and uninterrupted a navigable waterway in the Canal of not less than nineteen feet in width and an open and uninterrupted passage which shall not without the written consent of the engineer of the Dock Company have a less headway than ten feet clear above the top water level of that Canal and there shall also be left open and uninterrupted a passage of not less than five feet in width for the towing-path.
- (10.) The Dock Company and all persons authorised by them from time to time shall have under the said side bridge on the south side of the canal the same rights of passage and way as are now vested in the Dock Company in respect of the bank of the Canal which will be covered by the said side bridge.
- (11.) The Board shall at all times (subject to the provision hereinafter contained) maintain and keep in proper repair the bridge and approaches and all works under the authority of this Act on over or affecting the Canal and the land of the Dock Company and shall make good all damage that may be occasioned to the canal or works of the Dock Company by or in consequence of the removal of the said existing swing bridge or the piers thereof or of any default in constructing maintaining or keeping in proper repair the bridge and works by this Act authorised and if for seven days after notice in writing given to the Board by the Dock Company the Board neglect to proceed with due diligence to make good such damage the Dock Company may if they think fit and without prejudicing their remedies against the Board for any neglect default or omission on their part make good the same and the amount expended by them in so doing and any incidental costs and expenses shall on demand be paid to them by the Board as damages. Provided always that in any case of pressing necessity the Dock Company may proceed to make good such damage without giving such notice as aforesaid but without prejudice to their aforesaid remedies and without prejudice to their right to claim and recover repayment from the Board on demand of the amount so expended by the Dock Company.
- (12.) If by reason of any acts of the Board otherwise than as authorised by this Act or of the want of repair of any of the works by this Act authorised the Canal or the said towing-path shall be so obstructed that vessels boats or barges or the horses drawing the same shall not be able freely to pass along that Canal or towing-path as heretofore the Board shall pay to the Dock Company as liquidated damages fifty pounds for every day on which such obstruction shall occur or continue together with full costs of action.

- (13.) As from the date when under the provisions of this Act the maintenance and repair of the bridge and approaches so far as they will be situate over the canal towing-path and land of the Dock Company shall become vested in the Vestry of the parish of Camberwell * or the Board of Works for the Greenwich † district such Vestry or District Board as the case may be shall become liable to the obligations with respect to the maintenance and repair of the said bridge and approaches so far as they affect the canal towing-path and lands of the Dock Company to which the Board are made liable under this Act instead of the Board and the Board shall be relieved therefrom.
- (14.) If any difference or dispute shall arise between the engineer of the Board or of the said Vestry or District Board and the Dock Company's engineer as to the execution of the works to be done by the Board or such Vestry or District Board under this Act the same shall be from time to time referred to and settled by an engineer to be agreed upon between the Board or such Vestry or District Board and the Dock Company or in case of difference to be appointed on the application of either the Board or the Dock Company by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration shall be in the discretion of the arbitrator.
- (15.) Except as by this Act expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the rights privileges or property powers or authorities of the Dock Company.

[Parts omitted (as to removal of existing swing bridge, construction of works, and the providing of culverts) spent.]

8—10. *[Contributions by Camberwell Vestry and Greenwich District Board towards Canterbury Road bridge and approaches—Power to the Haberdashers' Company to assist in the construction of the bridge by gifts of land or money. Spent.]*

The bridge
and ap-
proaches to
form a street.

11. When the bridge and approaches authorised by this Act are made a certificate thereof shall be passed under the common seal of the Board and any copy of such certificate certified under the hand of the clerk of the Board shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and so much of the said bridge and approaches as shall have been laid out for carriageways or footways shall form a street and may be used by the public accordingly. The soil under the said approaches except in so far as it belongs to the Dock Company shall be vested in the Board and the paving maintenance repair cleansing and lighting of the bridge and approaches shall be under the care management control and jurisdiction of the street authority of the district in the same manner as other public roads and streets in their district but the Board may order that the whole or any part of the said bridge and approaches as to paving maintenance repair cleansing and lighting shall be under the exclusive care management control and jurisdiction of either the Vestry of the parish of Camberwell * or the Board of Works for the Greenwich

* Now the Council of the Metropolitan Borough of Camberwell. See 62 & 63 Vict. c. 14, s. 4.

† Now the Council of the Metropolitan Borough of Greenwich. See 62 & 63 Vict. c. 14, s. 4.

district* in the same manner as other public roads and streets in their respective districts on such terms and subject to such conditions as may be agreed upon between the Vestry and the District Board or in the event of difference as shall be settled by the Board.

12. [Nothing in 45 & 46 Vict. c. cexxii. s. 3 to affect the powers given to the Board by 40 & 41 Vict. c. cexxxv. s. 33.]

13. From and after the passing of this Act section 2 of the Metropolitan Street Improvements Act 1877 (Amendment) Act 1882 so far as it imposes obligations upon the Board not to remove the buildings on the land coloured purple on the Gray's Inn Road plan until artizans' dwellings have been erected on the lands coloured green on the said plan and to appropriate the said land coloured purple to the erection of artizans' dwellings is repealed :

Substitution
of lands to be
appropriated
to erection
of artizans'
dwellings.

And the Board shall acquire and appropriate for the erection of artizans' dwellings so much of the land on the south side of Elm Street shown on the deposited plans and coloured purple on the Gray's Inn Road plan and of the lands which the Board are empowered to purchase and acquire under the Metropolitan Board of Works (Various Powers) Act 1884 as is not required for the widening of Elm Street and as will with the lands coloured blue and green on the Gray's Inn Road plan be sufficient to accommodate not less than one thousand two hundred persons belonging to the labouring classes.

The Board may upon the passing of this Act remove buildings from and may sell in fee simple or for any less estate or let such portion of the said pieces of land before mentioned or any part or parts thereof to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will on the land so purchased by or leased to them erect artizans' dwellings and in particular the Board may insert in any grant or lease of any part of such pieces of land provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed and to maintain and repair the buildings and prohibiting the division of buildings and any addition to or alteration of the character of buildings without the consent of the Board and for the re-vesting of the land in the Board or their re-entry thereon on breach of any provision in the grant or lease.

14—16. [Power to the Board to stop up ways during works, to raise or lower streets, and to deciate. Spent.]

17. [Power to the Board to stop up and appropriate the streets shown on the deposited plans, and to interfere with drains and sewers on providing substitutes, which are to be under the same management as existing sewers and drains.]

18—19. [Power to the Board to alter water, gas, and other pipes, and to lay out carriageways, footways, etc. Spent.]

20. [As to laying of pavements and vesting the same, when laid, in and as to the maintenance thereof by the street authority of the district in which they are situate or in such street authority as the Board may order or in any other persons liable to repair the same.]

21. [Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.]

* Now the Council of the Metropolitan Borough of Greenwich. See 62 & 63 Vict. c. 14, s. 4.

22—24. [*Power to the Board to alter steps, areas, pipes, etc.—Periods for completion of works limited to 4 and for compulsory purchase of lands to 3 years. Spent.*]

PART III.—OPEN SPACES, ETC.

WANDSWORTH COMMON.

Transfer of power of Wandsworth Common Conservators to Board and vesting of Common in Board.

25. Subject to the provisions of this Act all the rights property powers functions privileges authorities liabilities and obligations granted to or imposed on the Wandsworth Common Conservators by the Wandsworth Common Act 1871 except the levying of a rate shall be transferred to and vested in the Board and Wandsworth Common as defined by the Wandsworth Common Act 1871 together with any land purchased accepted or held by the Conservators under the authority of that Act shall upon the passing of this Act vest in the Board for all the estate and interest therein which immediately before the passing of this Act were vested in and belonged to the Conservators.

26. [*Board to discharge liabilities and obligations of Conservators. Spent.*]

Board shall preserve the Common as an open space.

27. The Board shall at all times preserve Wandsworth Common (including any land of the said Conservators vested in the Board under this Act) as an open space for the perpetual use thereof by the inhabitants of the metropolis for exercise and recreation and may exercise all necessary powers for maintaining and preserving the same as an open space.

28. [*As to byelaws. Superseded 53 & 54 Vict. c. cexliii. ss. 14—21, and 61 & 62 Vict. c. ccxxi. s. 61.*]

29. [*As to compensation to the clerk of Conservators. Spent (see the Metropolitan Board of Works Minutes, 27th April 1888).*]

BOSTALL HEATH.

Power to purchase a piece of land to the north of Bostall Heath in the parish of Plumstead.

30. The Board may purchase and acquire a piece of land situate on the north side of Bostall Heath shown on the deposited plans and thereon coloured red and described in the deposited book of reference and the said piece of land shall vest in the Board and shall be added to and form part of Bostall Heath as the same is defined in the Scheme confirmed by the Metropolitan Commons Supplemental Act 1877 and for all purposes of improvement management and bye-laws the said piece of land shall be considered to form part of Bostall Heath and to be subject to the provisions of the said Scheme in all respects as though it had been comprised therein.

BROOK GREEN.

Vesting in the Board a piece of land near Brook Green.

31. Upon the passing of this Act a piece of open land at Brook Green in the parish of Hammersmith lying on the western side of Shepherd's Bush Road and shown on the deposited plans and thereon coloured green and described in the deposited book of reference shall vest in the Board free from all rights in over or affecting the same and shall be added to and form part of Brook Green and for all purposes of improvement management and bye-laws the said piece of land shall be considered to form part of Brook Green and all bye-laws and regulations in force with regard to Brook Green shall apply to and be in force with regard to the said piece of land.

RAVENS COURT PARK.

32. The Board may purchase and acquire by agreement certain houses buildings and lands comprising about thirty-two acres known as "Ravenscourt Park" and if and when the Board shall have purchased the same the Board shall subject to the provisions of this Act hold the same and every part thereof as a park and open space and shall lay out maintain and preserve the same and every part thereof as a park and open space for the perpetual use thereof by the public for exercise and recreation and may from time to time exercise all necessary powers for the maintenance and preservation of the same as a park and open space.

Power to
purchase
Ravenscourt
Park by
agreement.

33. The Board may maintain the mansion house and any other houses or buildings in Ravenscourt Park and may use the same or allow the same to be used for any public purposes or in connection with the maintenance of Ravenscourt Park as a park or open space and may erect and maintain in Ravenscourt Park such convenient or ornamental buildings as they may think requisite for the accommodation of keepers constables and other officers or as lodges sheds or toolhouses to be used in connection with the maintenance of Ravenscourt Park as a park and open space.

Power to
maintain
and erect
certain
buildings.

34. Subject to the provisions of this Act the Board may from time to time after purchasing Ravenscourt Park purchase any estates interests and rights in over or affecting the same for the better execution of this part of this Act with respect to the maintenance and preservation of Ravenscourt Park as a park and open space and for the purpose of applying the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands by agreement under this Act the term "lands" in the said provisions shall be considered to include such estates interests and rights.

Power to
purchase
rights etc.
over Ravens-
court Park.

35. When the Board have purchased under this Act any estate interest or right in over or affecting the land of Ravenscourt Park they may as they may think most expedient with a view of securing the use of Ravenscourt Park by the public for the purposes prescribed by this part of this Act either extinguish the same or retain hold and exercise the same wholly or partially.

Power to
extinguish
rights etc.
when pur-
chased.

36. [As to byelaws. Superseded 53 & 54 Vict. c. cexliii. ss. 14—21, and 61 & 62 Vict. c. cexxi. s. 61.]

37. [As to contribution by the Hammersmith Vestry of half the cost of the acquisition of Ravenscourt Park. Spent.]

38—43. [As to Penge Recreation Ground. Not affecting London. See London (Penge) Order in Council 1900, and the Lewisham and Penge (Adjustment) Order in Council 1902, made under 62 & 63 Vict. c. 14.]

PART IV.—DISPOSAL OF SEWAGE IN THE DETACHED
PORTION OF CLERKENWELL PARISH.

44—49. [As to Clerkenwell (detached) sewerage. Not affecting London. See the London (Clerkenwell Detached) Order in Council 1900, and Hornsey Drainage Order in Council 1901, made under 62 & 63 Vict. c. 14.]

PART V.—MISCELLANEOUS.

Power of
Board to
erect and
maintain
conveniences
in parks
and open
spaces.

50. The Board may erect and maintain in proper and convenient situations on any part of the lands maintained by them as parks or open spaces urinals waterclosets and other conveniences for public accommodation and may provide and employ attendants thereat and may pay the same such salary or wages as the Board may think fit and may charge for the use of such waterclosets and other conveniences for public accommodation such fees as the Board with the sanction of one of Her Majesty's principal Secretaries of State may from time to time fix and determine. [*See also* 58 & 59 *Vict.* c. cxxvii. s. 45.]

51—61. [*Extension till 1st August 1888 of the period for the compulsory purchase of lands under* 40 & 41 *Vict.* c. ccxxv., 44 & 45 *Vict.* c. xcii., 47 & 48 *Vict.* c. ccxxiii., and 47 & 48 *Vict.* c. ccxxviii.; and till 1st August 1889 of the period limited for the completion of the Gray's Inn Road improvement under 40 & 41 *Vict.* c. ccxxv.; and till 1st August 1890 of the period limited by 44 & 45 *Vict.* c. xcii. and 47 & 48 *Vict.* c. ccxxviii. for completing the Vauxhall and New Battersea Bridges works—Power to the Board to take lands—As to rehousing persons of the labouring class—As to purchase of easements—As to purchase of an easement over the Grand Surrey Canal—Errors and omissions in plans—Power to Board to enter and survey lands to be taken—As to arbitration—Board to redeem land tax on lands taken—Power to the Board to sell materials. *Spent.*]

62—64. [*Power to the Board to grant building leases of surplus lands—As to sale of ground-rents and reversions thereof—Power to sell such lands without leasing. Superseded* 62 & 63 *Vict.* c. ccxxvii. s. 23. *See ibid.* ss. 19—22.]

Board may
let or ex-
change lands.

65. The Board may from time to time let either from year to year or for a less period or for a term at rack rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act for any of the street improvements and not required for such improvements and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

Board to
dispose of
lands not
wanted.

66. Subject to the provisions of this Act the Board shall on or before the first day of February in the year one thousand nine hundred and forty-one which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845 sell and dispose of all lands acquired by them under the powers of this Act and which shall not be required for any of such improvements. [*See also* 47 & 48 *Vict.* c. 50, s. 23.]

Receipts of
Board to be
effectual
discharges.

67. The receipt of the Board or of any person duly authorised by the Board for any purchase-moneys rents or profits or money payable to the Board by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Power to
Board to

68. The Board may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any

person being the owner of or interested in any lands houses or property abutting on any portion of any of the street improvements with respect to the sale by the Board to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare acquired by the Board under the powers of this Act and not required for any of such improvements) for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Board for the purposes of this Act. make agreements with owners of property etc.

69. [*As to stamps on conveyances. Spent.*]

70. [*Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv., and by the London County Council (Money) Acts 1888—1904.*]

71. [*Expenses of obtaining Act. Spent.*]

SCHEDULE. [*Description of lands in respect of which compulsory powers are extended. Spent.*]

CHAPTER CXXXVII.

AN ACT TO AUTHORISE THE ACQUISITION OF CLISSOLD PARK STOKE NEWINGTON AND ITS UTILISATION FOR PUBLIC PURPOSES.

[19th July 1887.]

[*Preamble.*]

1. This Act may be cited as the Clissold Park (Stoke Newington) Act 1887. Short title.

2. In and for the purposes of this Act the expression “Clissold Park” means the lands partly in the parish of Saint Mary Stoke Newington and partly in the parishes of Islington and Hornsey in the county of Middlesex commonly known as “Clissold Park” or “Stoke Newington Park” comprising together about fifty-three acres which are included in an area bounded on the north by Lordship Park and Manor Road on the east by Queen Elizabeth’s Walk on the west by the Green Lanes and on the south by Church Street and Paradise Row : Interpretation.

The “Metropolitan Board” means the Metropolitan Board of Works * :

The “Hackney District Board” means the Board of Works for the Hackney district constituted under the Metropolis Management Act 1855 † :

The “Vestry of Stoke Newington” means the Vestry of the parish of Saint Mary Stoke Newington in the county of Middlesex. ‡

3. It shall be lawful for the Ecclesiastical Commissioners for England by a deed of conveyance duly stamped to sell and convey all their estate and interest in Clissold Park to the Metropolitan Board and the Hackney District Board or to either of them or partly to the Metropolitan Board and partly to the Hackney District Board and the Metropolitan Board and the said District Board or either of them may by agreement with the said Ecclesiastical Power to Ecclesiastical Commissioners to sell Clissold Park.

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (S).

† Now the Council of the Metropolitan Borough of Hackney. See 62 & 63 Vict. c. 14, s. 4.

‡ Now the Council of the Metropolitan Borough of Stoke Newington. See 62 & 63 Vict. c. 14, s. 4.

Commissioners purchase their estate and interest in Clissold Park or any part thereof and hold the same.

[*Part omitted (as to stamping of conveyance) spent.*]

Purposes for
which land
may be used.

4. In the event of any sale of Clissold Park or any part thereof under the powers of this Act the same shall (subject as herein-after provided) as from the date of any such sale become and be open to public use for purposes of exercise and recreation and it shall thereafter be the duty of the Metropolitan Board to keep the same lands open uninclosed and unbuilt on and to prevent resist and abate by all lawful means all or any encroachments or attempted encroachments on the said lands and to preserve them as an open space and to resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof. [See 52 & 53 Vict. c. cxlvii. s. 9.]

Reservation
of a site for
public
buildings.

5. If the Metropolitan Board and Hackney District Board or either of those Boards purchase or agree to purchase Clissold Park or any part thereof which shall include the site of the houses and buildings at the south-eastern corner thereof and lands surrounding the same not exceeding two acres it shall be lawful for the Vestry of Stoke Newington to resolve that the said site and land not exceeding two acres herein-after called the "reserved site" shall be set apart as a site for a vestry hall public museum free library baths and washhouses or any of those purposes or any other like purposes for the use of the inhabitants of the parish of Stoke Newington and of any other parish combining with them for these purposes or any of them and the following provisions shall apply thereto:—

- (i) If the purchase of Clissold Park be made or agreed to be made by the Metropolitan Board the Vestry of Stoke Newington may by notice in writing to the Hackney District Board require the said District Board to purchase the reserved site from the Metropolitan Board and thereupon the Hackney District Board shall purchase and the Metropolitan Board shall sell the reserved site accordingly :
- (ii) If the purchase of Clissold Park be made or agreed to be made by the Hackney District Board the said Vestry may by notice in writing to the Hackney District Board require the said District Board to set apart the reserved site accordingly :
- (iii) Any buildings on the reserved site may be used altered or adapted for the purposes aforesaid or any of them or may be removed and others substituted for the said purposes :
- (iv) If the reserved site be purchased by the Metropolitan Board and sold by them to the Hackney District Board pursuant to the provisions of this Act the amount of the purchase money to be paid for the same shall be such as if not agreed between the Vestry of Stoke Newington on the one hand and the Metropolitan Board on the other hand shall be determined by arbitration in the same manner as a question of disputed compensation under the Lands Clauses Consolidation Act 1845 and the Acts amending the same :
- (v) If the reserved site be originally bought by the Hackney District Board then the proportion of the purchase money to be attributed to the reserved site shall if not agreed upon between the said Vestry and the said District Board be determined by arbitration in like manner :

- (vi) The reserved site shall after the said purchase be vested in the Hackney District Board but shall be under the exclusive control and management of the Vestry of Stoke Newington subject as herein-after provided :
- (vii) If commissioners for public libraries and museums for the parish of Stoke Newington or for the parish of Stoke Newington and any other parish combining with them for that purpose be appointed a public library and museum or a site for the same shall be provided on the reserved site and any buildings now existing thereon may be utilised or altered and adapted for that purpose and for providing schools for science and art or any purposes of the Public Libraries Act 1855 :
- (viii) If commissioners for public baths and washhouses for the parish of Stoke Newington or for the said parish and any other adjoining parish combining with them for that purpose shall be appointed a site for public baths and washhouses shall be provided for such commissioners upon the reserved site :
- (ix) Such sites or buildings respectively shall be hired by such respective commissioners at such rents respectively as if not agreed upon between such commissioners and the Vestry of the parish of Stoke Newington and the Hackney District Board shall be determined by an arbitrator to be appointed on the application of either of them by one of Her Majesty's Principal Secretaries of State or by agreement they may be respectively purchased by such respective commissioners :
- (x) Such rents shall be paid to the Hackney District Board and applied by them in or towards the payment of interest and repayment of principal in respect of any moneys borrowed by the Hackney District Board for the purchase of the reserved site and incidental thereto and such further sums of money as shall be required by the said District Board for the payment of interest and repayment of principal in respect of moneys borrowed for these purposes shall be levied by the overseers of the poor of the said parish in the same manner and with the same incidents in all respects as any yearly rent or other moneys would be payable by the overseers of the said parish under the Act "to enable overseers in populous parishes to provide offices for the proper discharge of parochial business" passed in the 24th and 25th years of Her present Majesty chapter 125 as if they were rent for public offices and any sums received by the said District Board by way of purchase money for any part of the reserved site or buildings thereon shall be applied in reduction of the debt incurred for the purchase thereof.

6. Nothing in this Act contained shall confer or impose upon the Metropolitan Board any powers duties or obligations as to the control or management of any part of Clissold Park unless the exclusive control and management of so much thereof as is to become open to public use are vested in the said Board. [See also 52 & 53 Vict. c. cxlvii. s. 9.]

For the protection of the Metropolitan Board.

7. [As to byelaws. Superseded 53 & 54 Vict. c. ccxliii. ss. 14—21, and 61 & 62 Vict. c. cexxi. s. 61.]

8—10. [Power to the vestries and district boards of the metropolis to contribute to the purchase of the Park, and as to levying expenses of and borrowing such contributions. *Spent.*]

11—20. [Power to the Local Board of South Hornsey to contribute to the purchase of the Park and to borrow such contributions—As to levy of charges therefor and provisions as to such borrowing, and as to the sinking fund in respect thereof. *Spent.*]

21. [The Charity Commissioners of England and Wales to contribute £47,500 towards the purchase of the Park out of charity funds dealt with by the City of London Parochial Charities Act 1883.* *Spent.*]

22. [Incorporation of Lands Clauses Act. *Spent.*]

Saving for
the New
River Com-
pany.

23. Nothing in this Act shall extend to take away prejudice diminish alter or affect any of the rights remedies privileges powers authorities exemptions and benefits vested in or granted or reserved to or now enjoyed or exercised by the Governor and Company of the New River brought from Chadwell and Amwell to London† by or by virtue of any royal charter letters patent Act of Parliament agreement prescription usage or otherwise howsoever.

24. [Expenses of obtaining Act. *Spent.*]

CHAPTER CLXXII.

‡ AN ACT FOR ENABLING THE METROPOLITAN BOARD OF WORKS TO MAKE A NEW MEANS OF COMMUNICATION ACROSS THE RIVER THAMES BY MEANS OF A TUNNEL OR SUBWAY AT BLACKWALL. [8th August 1887.]

[Preamble recites that the making of a new means of communication across the River Thames at Blackwall by means of a tunnel or subway would be attended with great local and public advantage, and that it is expedient that the Metropolitan Board of Works § (in this Act called the Board) should be authorised to make the same, and also recites the deposit of plans with the Clerks of the Peace for Middlesex and Kent.]

Short title.

1. This Act may be cited as the Thames Tunnel (Blackwall) Act 1887.

Interpreta-
tion of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“Street” has the meaning assigned to the same term in the Metropolis Management Act 1855 and the Acts amending the same;

“Road authority” and “district” in relation to a road authority have respectively the same meanings as are assigned to the same terms respectively by the Tramways Act 1870;

[Parts omitted (definitions of “Lands Clauses Acts,” “Justice,”

* Rep. 61 & 62 Vict. c. 22 (S.L.R.)

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

‡ Powers to take additional lands for the purpose of the tunnel were obtained by 51 & 52 Vict. c. lvii., which is now wholly spent.

§ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

“two Justices,” “lessee,” and “person,” and as to meanings of words in *Lands Clauses Acts* incorporated) spent.]

3. [*Incorporation of Lands Clauses Acts. Spent.*]

4. [*The Board may appoint a committee to execute Act. Superseded by the Municipal Corporations Act 1882, s. 22 (see Appendix), and 51 & 52 Vict. c. 41, ss. 40 and 75.*]

5. Subject to the provisions of this Act the Board may in the lines or situation shown on the deposited plans and according to the levels shown on the deposited sections make a new means of communication across the River Thames at Blackwall comprising the tunnel or subway under the River Thames with the roads and approaches thereto as herein-after described namely:—

Power to make tunnel or subway and works connected therewith.

- (A) A road commencing in the county of Middlesex* in the parish of All Saints Poplar at the east end of the East India Dock Road passing to and under the River Thames and terminating in the parish of Greenwich by a junction with the main road between Greenwich and Woolwich nearly opposite the western end of the Greenwich Union Workhouse;
- (B) A road in the said parish of Greenwich commencing by a junction with the new road (A) herein-before described and terminating by a junction with the said main road between Greenwich and Woolwich at the junction therewith of Horn Lane and Coombedale Road;
- (C) A tunnel or subway by means of which the new road (A) herein-before described will be carried under the River Thames commencing on the north in the county of Middlesex* and parish of All Saints Poplar near the eastern end of High Street Poplar and terminating on the south in the county of Kent* and parish of Greenwich near the northern end of Ordnance Road where it joins Blackwall Lane which tunnel or subway is in subsequent provisions of this Act referred to as “the tunnel”;
- (D) A widening of the said main road from Greenwich to Woolwich commencing at the termination of the road (A) herein-before described nearly opposite the western end of the Greenwich Union Workhouse and terminating on the eastern side of the street known as Church Street or Christ Church Street where it joins Trafalgar Road;
- (E) The alteration and diversion of Teddington Place in the said parish of Greenwich between Ordnance Road and Blackwall Lane.

The Board may also in connexion with the said works subject to the provisions of this Act construct all such approaches vaults cellars arches sewers drains subways and other incidental works as may be necessary or convenient including stairs or passages as means of ingress or egress for foot passengers.

6. Subject to the provisions of this Act the Board may for the purposes of constructing maintaining renewing and repairing the works by this Act authorised alter or interfere with the banks bed soil and foreshore of the River Thames at or near any of such works and make borings therein and may place dams and caissons and drive piles in the bed of the said river and may erect such temporary staging and caissons in upon or over the said river as may be

As to certain works in the river.

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

necessary or convenient and may do and execute every other work and thing necessary or convenient for any of the purposes aforesaid.

7—12. [*Power to the Board to make subsidiary works; to alter water, gas, and other pipes, and to deviate; to stop up ways during works; to alter steps, areas, pipes, etc.; to appropriate roads to the use of the public. Spent.*]

Board empowered or may be required to underpin or otherwise strengthen houses near works.

13. Whereas in order to avoid in the execution and maintenance of any of the works by this Act authorised injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same the Board at their own costs and charges may and if required by the owners and lessees of any such house or building shall (subject as herein-after provided) underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened;
- (2) Each such notice if given by the Board shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Board;
- (3) If any owner lessee or occupier of any such house or building or the Board as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade;
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Board may and shall proceed forthwith so to underpin or strengthen the said house or building;
- (5) The cost of the reference shall be in the discretion of the referee;
- (6) The Board shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment;
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Board such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of any of the works by this Act authorised then and in every such case unless such underpinning or strengthening shall have been done in the mode prescribed by the

referee the Board shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made within six months from the discovery thereof;

- (8) Nothing in this enactment contained nor any dealing with the said property in pursuance of this enactment shall relieve the Board from the liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act;
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845;
- (10) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

14. The Board may lay out the tunnel and the roads forming the approaches thereto by this Act authorised or any part of the same for carriage-roads and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriage-roads and footways and the Board may from time to time execute all such works and do all such acts in under or upon any of the roads forming part of the works by this Act authorised as they may from time to time think proper for preserving repairing and improving the tunnel and the works connected therewith and may for that purpose enter upon and break open the soil and pavement of such roads and any sewers drains or tunnels within or under such roads causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said roads and sewers drains or tunnel as nearly as practicable to the same condition as they were in before such breaking and opening. The Board may also at any time (if they think it expedient so to do) close the tunnel wholly or in part for the purpose of repairing the same or any part thereof and for the purpose of sewerage levelling paving flagging and channelling the carriage and foot way through the same or any part thereof or of the approaches thereto so far as they are to be maintained and repaired by the Board:

Making
maintenance
repair and
lighting of
roads and
works.

And for the purposes mentioned in this section or any of them the Board may (in addition to any other powers by this Act conferred) exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only (if any) as are imposed upon any vestry* or district board* within the metropolis when they stop up temporarily any thoroughfare or any part thereof for repairing or repaving the same. The tunnel and the road and footways through the same and the approaches thereto when completed as aforesaid shall be public highways but the soil thereunder other than the soil or bed of the River Thames vested in the Conservators of the River Thames shall remain vested in the Board and the tunnel and the road and footways through the same and the immediate approaches thereto shall subject to the provisions of this Act be maintained repaired and lighted by the Board and the remainder of the approaches and the road and footways thereof shall be maintained repaired and lighted as other public highways by the road authorities of the districts in which they will be respectively situate and

* Now the councils of the metropolitan boroughs. See 62 & 63 Vict. c. 14, s. 4.

the Board may by order under their common seal define the points between which the respective obligations of the Board and the said road authorities as to repair maintenance and lighting shall extend A copy of any such order certified as such under the hand of the clerk of the Board shall in the absence of evidence to the contrary be accepted as evidence of the due making of such order.

Tunnel not to be broken up for laying mains or pipes except with consent of Board.

15. Notwithstanding anything in any Act to the contrary it shall not be lawful for any company or person to enter upon break up or interfere with the tunnel or the road and footways through the same respectively for the purpose of laying down any main or pipe or executing any work therein thereon or thereunder except with the consent of the Board in writing and in accordance with such terms and conditions as the Board may determine Provided that this section shall not extend to prejudice or affect the rights powers and authorities conferred upon Her Majesty's Postmaster General by the Telegraph Acts 1863 to 1885.

16—27. [*Period for completion of works limited to 7 years—Errors and omissions in plans—Power to the Board to enter upon and survey lands to be taken and to occupy lands temporarily—As to acquisition and extinguishment of easements—As to the mode of forming tunnel—Board to redeem the land tax on lands taken—For the protection of Messrs. Forbes, Abbott, and Lennard—As to arbitration—Power to the Board to sell materials. Spent.*]

28—30. [*Power to the Board to lease surplus lands—As to sale of ground rents and reversions thereof—Power to sell such lands without leasing. Superseded 62 & 63 Vict. c. cccxxvii. s. 23. See ibid. ss. 19—22.*]

Board may let or exchange lands.

31. The Board may from time to time let either from year to year or for a less period or for a term at rackrent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for any of the purposes of this Act and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

Board to dispose of lands not wanted.

32. Subject to the provisions of this Act the Board shall on or before the first day of February in the year one thousand nine hundred and forty-one (which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845) sell and dispose of all lands acquired by them under the powers of this Act for the purposes of the roads by this Act authorised and which shall not be required for any of the purposes of this Act. [*See also 47 & 48 Vict. c. 50, s. 23.*]

Receipts of Board to be effectual discharges.

33. The receipt of the Board or of any person duly authorised by the Board for any purchase moneys rents or profits or money payable to the Board by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received and such money shall be applied by the Board towards the expenses of the Board in executing the works by this Act authorised.

34. [*Period for compulsory purchase of lands limited to 5 years. Spent.*]

35. The Board may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any of the works authorised by this Act with respect to the sale by the Board to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare acquired by the Board under the powers of this Act and not required for any of the purposes of this Act) for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Board for the purposes of this Act.

Power to Board to make agreements with owners of property etc.

36. Any temporary or permanent works other than the tunnel and approaches executed by the Board under the powers of this Act so far as the same may affect the navigation of the River Thames or the banks bed or foreshore thereof under the jurisdiction of the Conservators of the said river shall be executed according to a plan and elevation to be approved in writing by the said Conservators and deposited at their office and any works in the River Thames shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the said Conservators and the traffic of the said River Thames shall not be interfered with more than may be absolutely necessary in the construction of such works and the Board shall after completion of the permanent works within fourteen days after notice from the said Conservators so to do proceed with all reasonable despatch to remove any materials for temporary works which may have been placed in the river by the Board and on their failing to do so the said Conservators may remove the same charging the Board with the expense of so doing and the Board shall forthwith repay to the said Conservators all expenses so incurred and in default of payment the amount due may be recovered with full costs by the Conservators from the Board in any court of competent jurisdiction.

Works on the River Thames to be executed under the direction of the Conservators of the River Thames.

37. The Board shall not make or commence any work under or on the shore or bed of the River Thames without the consent of the Conservators of the River Thames signified in writing under the hand of their secretary until the expiration of one calendar month after notice in writing to the Conservators of the River Thames.

Board not to commence any work on shore of Thames until notice given to Conservators.

38. The Board shall hang out and exhibit at or near to any works in or on the River Thames by this Act authorized every night from sunset to sunrise lights to be kept burning by and at the expense of the Board proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Board in such manner and be of such kind and number and be so placed and used as the Conservators of the River Thames by writing under the hand of their secretary shall approve and direct and in case the Board fails so to exhibit and keep burning the lights they shall for every such offence forfeit every day the sum of ten pounds and further the Board shall exhibit under a like penalty lights to be similarly approved by the said Conservators upon any temporary works which may be placed in the river by the Board during the making of the tunnel or works connected therewith.

Lights to be exhibited upon works.

39—40. [As to interference with the bed of the river and taking gravel and materials therefrom during construction of works. *Spent.*]

41. [*Saving the rights of the Thames Conservators.*]

42. [*For the protection of the South Metropolitan Gas Company. Spent.*]

For protection of the Midland Railway Company.

43. In constructing and maintaining the tunnel and works authorised by this Act where the same will pass under or in any wise affect the railways sidings works buildings and lands belonging to the Midland Railway Company the Board shall be subject to the following conditions videlicet:—

1. All works affecting the said railway sidings works buildings and lands shall be executed at the expense of the Board under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing. Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof.
2. The works shall be constructed and maintained so that the traffic upon the Midland Railway shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the Midland Railway Company and in all things at the expense of the Board.
4. If by reason of the construction or maintenance of the works or any of them or the failure of any of the works or of the maintenance thereof the said railway sidings and buildings or the works connected therewith shall be injured or the traffic thereon impeded the Board shall compensate the Midland Railway Company for all costs to which that Company may be put in repairing the said damage and shall also pay by way of liquidated damages to the Midland Railway Company ten pounds for every hour during which such traffic shall be impeded.
5. The Board shall also indemnify the Midland Railway Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the said railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Board or any of their contractors or their respective servants or workmen.

[*Parts omitted (as to construction of works and acquisition of easement or right of constructing and maintaining tunnel) spent.*]

For protection of the North London Railway Company.

44. The following provisions for the protection of the North London Railway Company shall apply and have effect:—

- (3.) The Board shall so construct their works by this Act authorised as not in any way to cause any leakage or escape of water from the docks of the North London Railway Company . . .
- (4.) The Board and their contractors agents servants or workmen shall not in the execution of any works by this Act

authorised obstruct impede or interfere with the free and uninterrupted and safe use of the docks railways and other works belonging to the North London Railway Company or any traffic thereon.

- (5.) If by reason of the construction or failure of the tunnel and the works in connexion therewith or of any act or omission of the Board or of any of the persons in their employ or of their contractors or others acting by their authority and notwithstanding the approval of the said plans sections and specifications as aforesaid and the construction of the tunnel in accordance therewith any damage or injury shall arise to the docks warehouses or other works or to the other property of the North London Railway Company by subsidence or by the escape of water from the said docks or otherwise or any obstruction or interference shall be caused to the traffic on the lines of railway of the North London Railway Company in connexion with their said docks and warehouses the Board shall be responsible for and forthwith upon notice from the Company make good such damage or injury and shall also pay to the North London Railway Company all costs losses and expenses which may be occasioned to or sustained by that Company or any other company working over their lines by reason of the matters aforesaid and the Board shall effectually indemnify the North London Railway Company from all claims which may be sustained against them and liabilities properly incurred by them by reason or arising out of the matters aforesaid.
- (6.) Whenever the Board fail to make good any damage or injury to the docks warehouses and other works and property of the North London Railway Company caused or arising as aforesaid the said Company may make and do in and upon as well the lands of the Board as their own lands all such works repairs and things as they may think requisite in that behalf and the sum reasonably expended from time to time by that Company upon such works shall be repaid to that Company by the Board and in default may be recovered by them from the Board with full costs in any court of competent jurisdiction.
- (7.) The Board and the North London Railway Company may agree in writing under their respective common seals upon any variation or alteration of the provisions of this section.
- (9.) Except as by this Act expressly authorised nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the North London Railway Company.

[Parts omitted (as to construction of works, certain lands of the Railway Company not to be taken, and works between the railway and the Thames to be in accordance with plans approved by the Company's engineer) spent.]

45. The following provisions for the protection of the London and North-western Railway Company (herein-after called the North-western Company) shall apply and have effect :—

For protection of the London and North-western Railway Company.

- (4.) The Board shall not except so far as may be temporarily

necessary during the execution of the works by this Act authorised stop up or in any way interfere with the free and uninterrupted use of the roads or thoroughfares known respectively as Russell Street Preston Road and Blackwall respectively or any part of either of the said roads. If the Board find it necessary so far to interfere with either of the said roads temporarily as to render it impassable or dangerous or extraordinarily inconvenient to passengers or carriages or to the persons entitled to the use thereof the Board shall before doing so cause a sufficient temporary road to be made instead of the road to be interfered with and shall at their own expense maintain such substituted road so long as such interference shall continue.

- (5.) The Board shall not except temporarily during the execution of the works sink any shaft or construct any works in the bed or foreshore of the Thames opposite any land of the North-western Company south of Russell Street which shall or might in any way interfere with the use by the North-western Company of their said land or any part thereof for the purposes of a wharf landing or shipping place.
- (6.) Notwithstanding anything in this Act contained the Board shall be responsible for and make good to the North-western Company all costs losses damages and expenses which may be occasioned to that Company or to their works or property by reason of the execution or failure of the tunnel or the works in connexion therewith or of any act or omission of the Board or of any of the persons in their employ or of their contractors or others and the Board will effectually indemnify and hold harmless the North-western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission.

[*Parts omitted (as to construction of works) spent.*]

46. For the protection of the East and West India Dock Company* (herein-after called "the Dock Company") the following provisions shall apply :—

For protection of the East and West India Dock Company.

- (3.) The Board shall not for the purpose of any of the works by this Act authorised stop up or in any way interfere with the free use by the Dock Company of the thoroughfares known respectively as Preston's Road and Brunswick Street or any part of either of the said thoroughfares.
- (4.) Nothing in this Act contained shall in any way abridge or affect the rights and powers of the Dock Company under the provisions of the 73rd section of the Act 1 & 2 William IV. cap. 52 entitled "An Act to consolidate and amend the several Acts for making the West India Docks" to enter on deepen and scour out the beach and bed of the River Thames. But the Dock Company shall not dredge deepen or scour over the site or within fifty yards on either side of the tunnel to a level lower than

* Amalgamated in 1900 with the London & St. Katharine's Dock Company under the name of the "London & India Docks Company." See the "London and India Docks Amalgamation Act," 1900.

thirty feet below Trinity high-water mark except with the consent of the Board (which shall not be unreasonably withheld) and the Dock Company shall not execute any such dredging deepening or scouring lower than thirty feet below Trinity high-water mark in any manner or to any extent which in the opinion of the engineer of the Board and upon notice thereof in writing being given to the Dock Company may involve any danger to or interference with the tunnel.

[Parts omitted (provisions as to construction of works and as to damage within 5 years after completion thereof) spent.]

47. Whereas the London and Blackwall Railway and the works buildings lands and conveniences connected therewith (which railway works buildings lands and conveniences are herein-after included in the expression the "Blackwall Railway") are leased by the London and Blackwall Railway Company to the Great Eastern Railway Company for a term of nine hundred and ninety-nine years under the provisions of the London and Blackwall Railway Lease Act 1865 And whereas the Blackwall Railway will be interfered with by the construction of the works by this Act authorised Therefore the following provisions for the protection of the London and Blackwall Railway Company (in this section called "the Blackwall Company") and the Great Eastern Railway Company (in this section called "the Great Eastern Company") shall unless otherwise agreed in writing be observed and have effect that is to say :—

For protection of the London and Blackwall and Great Eastern Railway Companies

- (1.) Before the Board shall for the purpose of making and maintaining or for any purpose connected with the works authorised by this Act (so far as affects the Blackwall Railway) take use enter upon interfere with or affect either temporarily or permanently any part of the Blackwall Railway the Board shall furnish to the Great Eastern Company proper and sufficient plans sections and specifications of the works proposed to be made by the Board which will affect the Blackwall Railway and such plans sections and specifications shall be settled and agreed upon between the engineer of the Board and the engineer of the Great Eastern Company or settled by arbitration as herein-after provided and such works shall be carried into effect only in accordance with such agreement or the decision in such arbitration and under the superintendence and to the reasonable satisfaction of the said engineer to the Great Eastern Company.
- (2.) The Board shall not for any purpose whatsoever connected with the works by this Act authorised enter upon the Blackwall Railway without giving seven days previous notice in writing to the Great Eastern Company except in cases of urgency.
- (3.) The Board shall at all times at their own expense maintain the works by this Act authorised and all conveniences connected therewith so far as the same lie under or affect the Blackwall Railway in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Great Eastern Company.
- (4.) The Board shall not for any purpose whatsoever connected

with the works by this Act authorised without the consent in writing of the Blackwall and Great Eastern Companies under their respective common seals take acquire use enter upon or interfere with any part of the Blackwall Railway except so far as the Board may take and use enter upon or interfere with the same for the purpose of constructing and maintaining the said works in accordance with the provisions of this section.

(6.) The Board shall not for the purpose or during the construction of any of the works by this Act authorised stop up obstruct or interfere with or cause to be stopped up obstructed or interfered with the carriageway and footways of the street shown on the deposited plans and known as Brunswick Street.

(9.) If by reason of the construction or maintenance of the works by this Act authorised or any of them or the failure of any of the said works or of the maintenance thereof the Blackwall Railway shall be injured or damaged such injury or damage shall be forthwith made good by the Board at their own expense to the satisfaction of the engineer of the Great Eastern Company or in the event of their failing so to do the Great Eastern Company may make good the same and recover the cost thereof from the Board with the full costs of suit in any court of competent jurisdiction.

(10.) The Board shall not in making and maintaining the works by this Act authorised or in the exercise of any of the powers of this Act in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the Blackwall Railway or any traffic thereon.

(12.) Notwithstanding anything in this Act contained the Board shall be responsible for and make good to the Great Eastern Company all damage loss costs and expenses which may be occasioned to the Blackwall Railway or to the traffic thereon or to any person or persons using the same by reason of the execution or failure of any of the works by this Act authorised or connected therewith or any part or parts thereof or of any act or omission of the Board or of any of the persons in their employ or of their contractors or others and the Board shall effectually indemnify and hold harmless the Great Eastern Company from all claims sustained against and liabilities incurred by them by reason of such execution or failure and of any such act or omission.

(13.) The provisions of this section for the protection of the Great Eastern Company shall apply and have effect mutatis mutandis for the protection of the Blackwall Company upon the expiration or sooner determination of the lease of the Blackwall Railway to the Great Eastern Company under the provisions of the London and Blackwall Railway Lease Act 1865.

[*Parts omitted (as to construction of works) spent.*]

48. Any difference which may from time to time arise between the Board on the one hand and the East and West India Dock

Company* the North London Railway Company the London and North-western Railway Company the Midland Railway Company the London and Blackwall Railway Company the Great Eastern Railway Company and the South Metropolitan Gas Company or any or either of them on the other hand as to any questions arising under the six preceding sections of this Act or any of them shall from time to time be referred to and settled by a single arbitrator who shall unless agreed between the parties in difference be nominated by the President for the time being of the Institution of Civil Engineers on the application of either of them and the provisions of the Railway Companies Arbitration Act 1859 shall so far as applicable apply to every such arbitration and shall apply to the Board as if the Board were a railway company.

[Part omitted (section not to apply to compensation under Lands Clauses Acts or s. 46 (6) of this Act) spent.]

49. [As to rehousing labouring class persons. Spent.]

50. The Board may subject to the provisions of this Act from time to time make alter repeal vary amend and enforce byelaws with respect to the tunnel and approaches for all or any of the purposes following (that is to say):—

For regulating and limiting the speed at which carts carriages and other vehicles shall proceed through or over the tunnel and approaches ;

For regulating and limiting the route to be taken by all carts carriages and other vehicles passing to from in or through the tunnel and approaches ;

For regulating and limiting the space to be used by foot passengers and the line to be kept by persons riding on horseback or driving or conducting any cart carriage or other vehicle to from in or through the tunnel and approaches ;

For preventing the commission of any nuisances in or upon the tunnel and approaches ;

For preserving and preventing injuries and damages to the tunnel and approaches.

[See also 63 & 64 Vict. c. cclxviii. ss. 25—27.]

51. The provisions of the Metropolis Management Act 1855 respecting the making contents confirmation approval publication and evidence of byelaws and of proceedings before Justices and recovery of penalties thereunder shall extend and apply to byelaws under this Act and byelaws under this Act shall be deemed byelaws within the Metropolis Management Act 1855 and the Acts amending the same. [See 18 & 19 Vict. c. 120, ss. 202, 203, 227, and 231.]

Regulations
respecting
byelaws.

52. [Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv., and by the London County Council (Money) Acts 1888—1904.]

53. [Expenses of obtaining Act. Spent.]

* Amalgamated in 1900 with the London & St. Katharine's Dock Company under the name of the "London & India Docks Company." See the "London and India Docks Amalgamation Act" 1900.

51 & 52 VICTORIA. A.D. 1888.

CHAPTER 40.

AN ACT TO FURTHER AMEND THE ACTS RELATING TO THE RAISING OF MONEY BY THE METROPOLITAN BOARD OF WORKS, AND FOR OTHER PURPOSES. [13th August 1888.]

[Preamble.]

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1888, and the Metropolitan Board of Works (Money) Acts, 1875 to 1887, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1888.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1887.

Interpretation.

3. The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

[Parts omitted (definitions of the expressions "Parks and Open Spaces Acts" and "Artizans' and Labourers' Dwellings Improvement Acts") spent.]

4—5. [Amendment of ss. 9, 10, and 11 of 50 & 51 Vict. c. 31, s. 9—Power to the Board to expend moneys till 31st December 1889 for the purposes of 50 Vict. c. xli.; 50 & 51 Vict. c. cxxxvii.; 51 & 52 Vict. cc. lvii., cli., and clvi.; Brixton Park Act 1888*; and Vauxhall Park Act 1888.* Spent.]

6. [Power to the Board to expend money for sundry purposes during 1889. Spent.]

Special power to expend money for purposes of main drainage and main sewers. 18 & 19 Vict. c. 120.

7. . . . All the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively, shall continue in force and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section, and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively. [Part omitted (as to power to the Board to expend during the year ending 31st December 1889, not exceeding £142,000, for the purposes of main drainage and main sewers) spent.]

Power to lend to vestries, district boards, corporations, commissioners, burial boards, or other public bodies. 18 & 19 Vict. c. 70.

8. (iii.) Commissioners for public libraries and museums, appointed or hereafter to be appointed under the Public Libraries Act, 1855,† by the vestry‡ of any parish in the metropolis as defined by the Metropolis Management Act, 1855, are hereby declared to be commissioners duly appointed, notwithstanding that such parish may be a parish in Schedule B. to the last-mentioned Act, and any loan by the Board under this Act to commissioners so appointed, and any

* The powers vested in the Metropolitan Board of Works by these Acts were not acted upon.

† Rep. by the Public Libraries Act 1892.

‡ Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

security given by such commissioners to the Board shall be deemed in all respects valid and effective, provided the sanction of the vestry and the Local Government Board be given to the borrowing by the commissioners.

(iv.) Money borrowed from and lent by the Board under this section may, notwithstanding anything in any other Act, be made repayable, either in one sum or by instalments, as the Board and the borrowers shall agree, and in either case shall be repaid to the Board with interest within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, shall agree. Provided that the time after the borrowing within which such money shall be repaid to the Board shall not exceed, in the case of a loan for the purpose of improvements in relation to streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years. [*Part omitted (as to power to the Board to lend during the year ending 31st December 1889 to vestries and district boards and other public bodies levying rates in the metropolis) spent.*]

9.

Money borrowed from and lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to the Board with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board, and the Board, with the approval of the Treasury, shall agree, not exceeding thirty years. [*Part omitted (as to power to the Board to lend till 31st December 1889 to boards of guardians in the metropolis) spent.*]

Power to
lend to boards
of guardians.
18 & 19 Vict.
c. 120.

10. [*Extension till 31st December 1889 of the amount which the Board may lend to the Managers of the Metropolitan Asylum District. Spent.*]

11. [*Power to the Board to lend to the School Board for London till 31st December 1889. Spent.—Provision as to repayment within not exceeding 50 years. Superseded 2 Edw. 7, c. 42, 2nd schedule; and 3 Edw. 7, c. 24, s. 1.*]

12. [*Power to the Board to lend till 31st December 1889 to the Receiver of the Metropolitan Police District. Spent.*]

13. [*Power to the Board to lend up to 31st December 1889 to the Vestry of St. Pancras. Spent.—Provision for repayment within a time to be approved by the Treasury not exceeding 50 years. Identical with such provision in 50 & 51 Vict. c. 31, s. 7.*]

14. Where, under the authority of this or any other Act, the Board lend any money to any corporation, body of commissioners, public body, or persons, the exercise of whose powers of borrowing is subject to the consent of the Local Government Board, the sanction of that Board to the borrowing of such money shall in every such case be conclusive evidence that such corporation, body of commissioners, public body, or persons had power to borrow such money.

Protection of
Board in case
of certain
loans.

15.

(i.) Where the Board under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within a period not exceeding thirty years from the date of such loan, the Board shall from time to time

Power to
raise consoli-
dated stock.

carry to the Consolidated Loans Fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any less period for which the same may be made, an amount of consolidated stock equal to that so created; and

- (ii.) Where the Board are by this Act authorised to make a loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any money for the time being forming part of the Consolidated Loans Fund, and not required for the payments of the dividends on consolidated stock. Provided that no such money shall be used for any loan repayable at a date later than the date at which the consolidated stock redeemable by means of the money so used is required to be redeemed.
- (iii.) Where the Board shall be of opinion that any money by this Act authorised to be raised for any purpose should be paid off within a period of thirty years, or any less period, the Board instead of raising such money by the creation of consolidated stock may, with the approval of the Treasury, use for such purpose any money for the time being forming part of the Consolidated Loans Fund, and not required for the payment of the dividends on consolidated stock. Provided that no such money shall be so used unless provision shall be made in such manner as the Treasury approve for repaying the same to the Consolidated Loans Fund at or before the date at which consolidated stock redeemable by means of such money is required to be redeemed, and in every such case the Board shall from time to time raise as part of the consolidated rate such sums as the Treasury approve, as being in their opinion sufficient for the repayment at or before the date aforesaid of the money used for such purpose, and for the payment of the interest on the money so used, and such sums shall from time to time be carried by the Board to the Consolidated Loans Fund.
- (iv.) Where the Board raise consolidated stock for the purpose of any scheme made by the Board under the authority of the Artizans' and Labourers' Dwellings Improvement Acts, there shall be repaid (as provided by the Artizans' and Labourers' Dwellings Improvement Act, 1875*) to the consolidated rate out of the local rate as defined by the said last-mentioned Act, all money required for payment of dividends on and the redemption of all consolidated stock created for such purpose.

[Part omitted (powers to the Board to raise consolidated stock for the purposes of this Act) spent.]

16. *[Power to the Board within 12 months after the issue of stock to apply the money raised by stock to make up dividends from fixed dates. Spent.]*

17—21. *[Power to the Board to raise money by metropolitan bills, and provisions relating thereto. Spent; see now 60 & 61 Vict. c. cexx. s. 21.]*

* Rep. and replaced by the Housing of the Working Classes Act 1890.

22. [*Limitation of power of borrowing in s. 38 of 32 & 33 Vict. c. 102, not to extend to money raised under this Act. Spent.*]

23. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund. Repayments to be carried to Consolidated Loans Fund.

24. [*Limit to exercise of borrowing powers. Spent.*]

25. Sections twenty-seven to forty-three inclusive of the Metropolitan Board of Works (Money) Act, 1885, shall be deemed to be incorporated with this Act. Incorporation of sections 27 to 43 of 48 & 49 Vict. c. 59.

FIRST SCHEDULE. [*Particulars of new money powers conferred by this Act. Spent.*]

SECOND AND THIRD SCHEDULES. [*List of Parks and Open Spaces Acts and Artizans' and Labourers' Dwellings Improvement Acts referred to in s. 3. Spent.*]

CHAPTER 41.

* AN ACT TO AMEND THE LAWS RELATING TO LOCAL GOVERNMENT IN ENGLAND AND WALES, AND FOR OTHER PURPOSES CONNECTED THEREWITH. [13th August 1888.]

PART I.

COUNTY COUNCILS.

Constitution of County Council.

1. A council shall be established in every administrative county as defined by this Act, and be entrusted with the management of the administrative and financial business of that county, and shall consist of the chairman, aldermen, and councillors. Establishment of county council.

2.—(1.) The council of a county and the members thereof shall be constituted and elected and conduct their proceedings † in like manner, and be in the like position in all respects, as the council of a borough divided into wards, subject nevertheless to the provisions of this Act, and in particular to the following provisions, that is to say :— Composition and election of council and position of chairman.

(2.) As respects the aldermen or councillors—

(a.) clerks in holy orders and other ministers of religion shall not be disqualified for being elected and being aldermen or councillors ;

(b.) a person shall be qualified to be an alderman or councillor who, though not qualified in manner provided by the Municipal Corporations Act, 1882,‡ as applied by this Act, is a peer owning property in the county, or is registered as a parliamentary voter in respect of the ownership of property of whatsoever tenure situate in the county ; 45 & 46 Vict. c. 59.

(c.) the aldermen shall be called county aldermen, and the councillors shall be called county councillors ; and a county alderman shall not, as such, vote in the election of a county alderman ;

* This Act is set out omitting the parts which are not applicable to London.

† See 56 & 57 Vict. cxxi. s. 10.

‡ See Appendix.

- (d.) the county councillors shall be elected for a term of three years, and shall then retire together, and their places shall be filled by a new election ; and
- (e.) the divisions of the county for the purpose of the election of county councillors, shall be called electoral divisions and not wards. . . .

51 & 52 Vict.
c. 10.

- (4.) As respects the electors of the county councillors—
the persons entitled to vote at their election shall be . . . the persons registered as county electors under the County Electors Act, 1888 : [See also 63 & 64 Vict. c. 29.]

- (5.) As respects the chairman of the county council—
 - (a.) he shall be called chairman instead of mayor ; and
 - (b.) he shall, by virtue of his office, be a Justice of the Peace for the county ; but before acting as such Justice he shall, if he has not already done so, take the oaths required by law to be taken by a Justice of the Peace other than the oath respecting the qualification by estate.

(6.) The county council may from time to time appoint a member of the council to be vice-chairman, to hold office during the term of office of the chairman, and, subject to any rules made from time to time by the county council, anything authorised or required to be done by, to, or before the chairman may be done by, to, or before such vice-chairman.

[Parts omitted (as to the number of councillors and electoral divisions) not applicable to London. See s. 40 (4).]

Powers of County Council.

Transfer to
county
council of
administra-
tive business
of quarter
sessions.

3. There shall be transferred to the council of each county on and after the appointed day, the administrative business of the Justices of the county in quarter sessions assembled, that is to say, all business done by the quarter sessions or any committee appointed by the quarter sessions, in respect of the several matters following, namely,—

- (i.) The making, assessing, and levying of county, police,* hundred, and all rates, and the application and expenditure thereof, and the making of orders for the payment of sums payable out of any such rate or out of the county stock or county fund, and the preparation and revision of the basis or standard for the county rate ; [See the County Rates Act 1852 and the County Rate Act 1866 (see Appendix).]
- (ii.) [Borrowing of money. Not applicable to London. See the London County Council (Money) Acts 1875—1904.]
- (iii.) The passing of the accounts of and the discharge of the county treasurer ; [See also s. 75 (16) (e).]
- (iv.) Shire halls, county halls, assize courts, judges lodgings, lock-up houses, court houses, justices rooms, police stations,* and county buildings, works and property, subject as to the use of buildings by the quarter sessions and the Justices to the provisions of this Act respecting the joint committee of quarter sessions and the county council ;
- (v.) The licensing under any general Act of houses and other places for music or for dancing, and the granting of

* Not applicable to London. See s. 93.

licences under the Racecourses Licensing Act, 1879; 42 & 43 Vict.
[See 25 Geo. 2, c. 36.] c. 18.

- (vi.) The provision, enlargement, maintenance, management, and visitation of and other dealing with asylums for pauper lunatics; [See the *Lunacy Acts* 1890 and 1891.]
- (vii.) The establishment and maintenance of and the contribution to reformatory and industrial schools; [See the *Reformatory Schools Act* 1866; the *Industrial Schools Act* 1866; and the *Reformatory and Industrial Schools Amendment Act* 1872.]
- (viii.) Bridges and roads repairable with bridges, and any powers vested by the Highways and Locomotives (Amendment) ^{41 & 42 Vict.} Act, 1878,† in the county authority; [See the *Statutes of* c. 77.
Bridges 1530 and 1702; the *County Rates Act* 1738; the *Bridges Acts* 1740, 1803, 1812, 1814, 1815; the *Highways Acts* 1835, ss. 21 and 22; and the *Highways and Locomotives (Amendment) Act* 1878, s. 21.]
- (ix.) The tables of fees to be taken by and the costs to be allowed to any inspector, analyst,* or person holding any office in the county other than the clerk of the peace and the clerks of the Justices;
- (x.) The appointment, removal, and determination of salaries, of the county treasurer, the county surveyor, the public analysts,* any officer under the Explosives Act, 1875,† ^{38 & 39 Vict.} and any officers whose remuneration is paid out of the c. 17.
county rate other than the clerk of the peace and the clerks of the Justices;
- (xi.) The salary of any coroner whose salary is payable out of the county rate, the fees, allowances, and disbursements allowed to be paid by any such coroner, and the division of the county into coroners' districts, and the assignment of such districts; [See the *Coroners Acts* 1844, 1860, 1887, and 1892.]
- (xii.) The division of the county into polling districts for the purposes of parliamentary elections, the appointment of places of election, the places of holding courts for the revision of the lists of voters, and the costs of and other matters to be done for the registration of parliamentary voters;
- (xiii.) The execution as local authority of the Acts relating to contagious diseases of animals,‡ to destructive insects,‡ to fish conservancy,‡ to wild birds, to weights and measures, and to gas meters,§ and of the Local Stamp Act, 1869; ^{32 & 33 Vict.} c. 49.
- (xiv.) [Matters under the *Riot (Damages) Act* 1886. *Not applicable to London.* See s. 93 (2).]
- (xv.) The registration of rules of scientific societies under the Act of the session of the sixth and seventh years of the reign

* Not applicable to London, wherein the Corporation of the City of London and the vestries and district boards (now the Metropolitan Borough Councils) appoint the analysts under the Food and Drugs Act 1875, s. 10.

† These Acts were at the passing of this Act administered in London by the Metropolitan Board of Works. See s. 10 (§); and see the Destructive Insects Act 1877 and the Diseases of Animals Act 1894.

‡ Semble not applicable to London. See the Lea Conservancy Act 1868 and 57 & 58 Vict. c. clxxxvii. (see Appendix).

§ The powers of the Justices under the Sale of Gas Act 1860 were, so far as relating to the metropolis, transferred to the Metropolitan Board of Works by the Metropolitan Gas Act 1861.

of Her present Majesty, chapter thirty-six; the registration of charitable gifts under the Act of the session of the fifty-second year of the reign of George the Third, chapter one hundred and two; the certifying and recording of places of religious worship under the Act of the session of the fifty-second year of the reign of George the Third, chapter one hundred and fifty-five; the confirmation and record of the rules of loan societies under the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and ten; and

(xvi.) Any other business transferred by this Act.

Transfer of certain powers under local Acts.

4. Where it appears to the Local Government Board that any powers, duties, or liabilities of any quarter sessions or Justices, or any committee thereof, under any local Act are similar in character to the powers, duties, and liabilities transferred to county councils by this Act, or relate to property transferred to a county council by this Act, the Board may, if they think fit, make a Provisional Order for transferring such powers, duties, and liabilities to the county council.

Appointment of coroners by county council.

5.—(1.) After the appointed day a coroner for a county shall not be elected by the freeholders of the county, and on any vacancy occurring in the office of a coroner for a county, who is elected to that office in pursuance of a writ de coronatore eligendo, a like writ for the election of a successor shall be directed to the county council of the county instead of to the sheriff, and the county council shall thereupon appoint a fit person, not being a county alderman or county councillor, to fill such office, and in the case of a county divided into coroners districts shall assign him a district; and any person so appointed shall have like powers and duties, and be entitled to like remuneration, as if he had been elected coroner for the county by the freeholders thereof.

(2.) Where the district of any such coroner is situate wholly within any administrative county, the council of that county shall, subject as herein-after mentioned, appoint the coroner.

(5.) Nothing in this Act respecting the appointment of a coroner shall alter the jurisdiction of a coroner for the entire county, or any power of removing such coroner, whether by writ de coronatore exonerando or otherwise, and all writs for the election or removal of a coroner shall be altered so as to give effect to this section.

50 & 51 Vict. c. 71.

(6.) Sections eleven and fourteen and the First Schedule of the Coroners Act, 1887, and any other enactment relating to the election of a coroner for a county by the freeholders of such county or any district thereof, are hereby repealed as from the appointed day, without prejudice to anything done or suffered, or any legal proceeding commenced or penalty incurred before such repeal takes effect.

(7.) A person who holds the office of coroner shall not be qualified to be elected as a county alderman or county councillor for the county for which he is a coroner.

[Parts omitted (as to coroners' districts extending into more than one county) not applicable to London. See s. 114.]

Power of council as to bridges.

6. The county council shall have power to purchase, or take over on terms to be agreed on, existing bridges not being at present county bridges, and to erect new bridges, and to maintain, repair,

and improve any bridges so purchased, taken over, or erected. [*See s. 3 (viii.) and note thereon.*]

7. There shall be transferred to the county council on and after the appointed day the business of the Justices of the county out of session—

(a.) in respect of the licensing of houses or places for the public performance of stage plays. [*See the Theatres Act 1843 (see Appendix).*]

[*Part omitted (transfer of powers as local authority under the Explosives Act 1875) not applicable to London. See s. 3 (x.) and note thereon.*]

8.—(1.) Nothing in this Act shall transfer to a county council any business of the quarter sessions or Justices in relation to appeals by any overseers or persons against the basis or standard for the county rate or against that or any other rate. [*See the County Rates Act 1852, ss. 17 and 22 (see Appendix), and 32 and 33 Vict. c. 67.*]

(2) All business of the quarter sessions or any committee thereof not transferred by or in pursuance of this Act to the county council shall be reserved to and transacted by the quarter sessions or committee thereof in the same manner, as far as circumstances admit, as if this Act had not passed.

9. [*Powers as to police. Not applicable to London. See s. 93.*]

10.—(1.) After the passing of this Act it shall be lawful for the Local Government Board to make from time to time a Provisional Order for transferring to county councils—

(a) any such powers, duties, and liabilities of Her Majesty's Privy Council, a Secretary of State, the Board of Trade, the Local Government Board, or the Education Department, or any other Government department, as are conferred by or in pursuance of any statute and appear to relate to matters arising within the county, and to be of an administrative character: also

(b) any such powers, duties, and liabilities arising within the county, of any commissioners of sewers, conservators, or other public body, corporate or unincorporate (. . . not being a board of guardians) as are conferred by or in pursuance of any statute:

and such Order shall make such exceptions and modifications as appear to be expedient, and also such provisions as appear necessary or proper for carrying into effect such transfer, and for that purpose may transfer any power vested in Her Majesty in Council:

(2.) Provided that before any such Order is made, the draft thereof shall be approved, if it relates to the powers, duties, or liabilities of a Secretary of State, or the Board of Trade, or any other Government department, by such Secretary of State, Board, or department, and approved, if it affects the powers, duties, or liabilities of any commissioners, conservators, or body, corporate or unincorporate, by such commissioners, conservators, or body: and every such Provisional Order shall be of no effect until it is confirmed by Parliament.

(3.) If any such powers, duties, or liabilities as are referred to in any Provisional Order under this section arise within two or more counties, they may be transferred to the county councils of such

Transfer to county council of certain powers of Justices out of session.

Reservation of business to quarter sessions.

Transfer to county council of powers of certain Government departments and other authorities.

two or more counties jointly, and may be exercised and discharged by a joint committee of such councils.

(4.) The Act of Parliament confirming any Provisional Order made under this section shall be a public general Act.

[Amended by the Local Government (Transfer of Powers) Act 1903 (see Appendix). Words omitted ("not being the corporation of a municipal borough or an urban or rural authority or a school board, and") not applicable to London.]

11.—(1.) Every road in a county, which is for the time being a main road within the meaning of the Highways and Locomotives (Amendment) Act, 1878,* inclusive of every bridge carrying such road if repairable by the highway authority, shall, after the appointed day, be wholly maintained and repaired by the council of the county in which the road is situate, and such council, for the purpose of the maintenance, repair, improvement, and enlargement of, and other dealing with such road, shall have the same powers and be subject to the same duties as a highway board, and may further exercise any powers vested in the council for the purpose of the maintenance and repair of bridges, and the enactments relating to highways and bridges shall apply accordingly; and the county council shall have the same powers as a highway board for preventing and removing obstructions, and for asserting the right of the public to the use and enjoyment of the roadside wastes; and the execution of this section shall be a general county purpose, and the costs thereof shall be charged to the general county account. *[See also s. 41 (4), and 62 & 63 Vict. c. 14, s. 6.]*

(2.) Provided that any urban authority may, within twelve months after the appointed day, or in case of a road in the district of such authority becoming a main road at any subsequent date then within twelve months after that date, claim to retain the powers and duties of maintaining and repairing a main road within the district of such authority, and thereupon they shall be entitled to retain the same, and, for the purpose of the maintenance, repair, improvement, and enlargement of, and other dealing with such road, shall have the same powers and be subject to the same duties as if such road were an ordinary road vested in them, and the

* Ss. 13—15 of the Highways and Locomotives (Amendment) Act 1878 are as follows:—

"13. For the purposes of this Act and subject to its provisions, any road which has, within the period between the thirty-first day of December, one thousand eight hundred and seventy, and the date of the passing of this Act, ceased to be a turnpike road, and any road which, being at the time of the passing of this Act a turnpike road, may afterwards cease to be such, shall be deemed to be a main road. . . . *[Part omitted rep. 57 and 58 Vict. c. 56 (S.L.R.).]*

"14. The following areas shall be deemed to be highway areas for the purposes of this Act; (that is to say,)

(1.) Urban sanitary districts :

[Part omitted not applicable to London.]

"15. Where it appears to any highway authority that any highway within their district ought to become a main road by reason of its being a medium of communication between great towns, or a thoroughfare to a railway station, or otherwise, such highway authority may apply to the county authority for an order declaring such road, as to such parts as aforesaid, to be a main road; and the county authority, if of opinion that there is probable cause for the application, shall cause the road to be inspected, and, if satisfied that it ought to be a main road, shall make an order accordingly.

"A copy of the order so made shall be forthwith deposited at the office of the clerk of the peace of the county, and shall be open to the inspection of persons interested at all reasonable hours; and the order so made shall not be of any validity unless and until it is confirmed by a further order of the county authority made within a period of not more than six months after the making of the first-mentioned order."

Entire main-
tenance of
main roads
by county
council.
41 & 42 Vict.
c. 77.

council shall make to such authority an annual payment towards the costs of the maintenance and repair, and reasonable improvement connected with the maintenance and repair of such road.

(3.) The amount of such payment shall be such annual sum as may be from time to time agreed on, or in the absence of agreement *may be determined by arbitration of the Local Government Board.**

(4.) The county council and any district council may from time to time contract for the undertaking by the district council of the maintenance, repair, improvement, and enlargement of, and other dealing with any main road, and, if the county council so require, the district council shall undertake the same, and such undertaking shall be in consideration of such annual payment by the county council for the costs of the undertaking as may from time to time be agreed upon, or, in case of difference, *be determined by arbitration of the Local Government Board** : and for the purposes of such undertaking the district council shall have the same powers and be subject to the same duties and liabilities as if the road were an ordinary road vested in them.

(5.) Provided that in no case shall a county council make any payment to a district council towards the costs of such undertaking as respects any road, or towards the costs of the maintenance, repair, or improvement of any road by an urban authority, until the county council are satisfied by the report of their surveyor, or such other person as the county council may appoint for the purpose, that the road has been properly maintained and repaired, or that the improvement or enlargement of or other dealing with the road, as the case may be, has been properly executed.

(6.) A main road and the materials thereof, and all drains belonging thereto, shall, except where the urban authority retain the powers and duties of maintaining and repairing such road, vest in the county council, and where any sewer or other drain is used for any purpose in connexion with the drainage of any main road, the county council shall continue to have the right of using such sewer or drain for such purpose, and if any difference arises between a county council and any highway or sanitary authority as respects the authority in whom the drain is vested, or as to the use of any sewer or other drain, the council or the highway or sanitary authority may require such difference to be referred to arbitration, and the same shall be referred to arbitration in manner provided by this Act.

(7.) Where a county council declare a road to be a main road, such declaration shall not take effect until the road has been placed in proper repair and condition to the satisfaction of the county council.

(8.) If at any time the county council are satisfied, on the report of their surveyor or other person appointed by them for the purpose, that any portion of a main road, the maintenance and repair of which are undertaken by any district council, is not in proper repair and condition, the county council may cause notice to be given to such district council, requiring them to place the road in proper repair and condition ; and, if such notice is not complied with within a reasonable time, the county council may do everything that seems to them necessary to place the road in proper repair and

* The words "be determined by the Local Government Board either as arbitrators or otherwise at the option of the Board" are substituted for the words in italics by the Local Government (Determination of Differences) Act 1896.

condition, and the expenses of so doing shall be a debt of the said district council to the county council.

(9.) If any difference arises under this section between a county council and a district council as to the refusal of the county council to make a payment under this section to the district council in respect of any undertaking or road, or as to a road having been placed in proper repair and condition previously to its becoming a main road, or as to any notice given to the district council by the county council to place a road in proper repair and condition, such difference shall, if either council so require, *be referred to the arbitration of the Local Government Board.* [*Note on sub-ss. (3) and (4) applies.*]

(10.) The county council may, if they think fit, contribute towards the costs of the maintenance, repair, enlargement, and improvement of any highway or public footpath in the county, although the same is not a main road.

(11.) Every authority having any power or duty to light the roads in their district shall have the same power and duty to light any main road in their district.

(12.) Anything authorised or required by law to be done by or to a highway or road authority shall, as respects a main road maintained by a county council, be authorised or required to be done by or to that council; and every authority having any power to break up any road in their district for the purpose of sewerage or otherwise shall have the like power of breaking up any main road in their district, but if the road is broken up the authority shall repair it to the satisfaction of the county council maintaining such road, and if it is not repaired to the satisfaction of the county council, that council may cause the necessary repairs to be done and may charge the costs against the authority, and the same shall be a debt due from the authority to the council.

[Part omitted (applying s. 20 of the Highways and Locomotives (Amendment) Act 1878) not applicable to London.]

12—13. *[As to roads in the Isle of Wight and South Wales. Not applicable to London.]*

Power to
county
council to
enforce pro-
visions of
39 & 40 Vict.
c. 75.

14.—(1.) On and after the appointed day a county council shall have power, in addition to any other authority, to enforce the provisions of the Rivers Pollution Prevention Act, 1876 (subject to the restrictions in that Act contained), in relation to so much of any stream as is situate within, or passes through or by, any part of their county, and for that purpose they shall have the same powers and duties as if they were a sanitary authority within the meaning of that Act, or any other authority having power to enforce the provisions of that Act, and the county were their district.

(2.) Any county council shall have power to contribute towards the costs of any prosecution under the said Act instituted by any other county council. . . .

(3.) The Local Government Board, by Provisional Order made on the application of the council of any of the counties concerned, may constitute a joint committee or other body representing all the administrative counties through or by which a river, or any specified portion of a river, or any tributary thereof, passes, and may confer on such committee or body all of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876, or such of them

as may be specified in the Order; and the Order may contain such provisions respecting the constitution and proceedings of the said committee or body as may seem proper, and may provide for the payment of the expenses of such committee or body by the administrative counties represented by it, and for the audit of the accounts of such committee or body, and their officers.

[Words omitted ("or by any urban or rural authority") not applicable to London.]

15. The county council of an administrative county shall have the same powers of opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the county, as are conferred on the council of a municipal borough by the Act of the thirty-fifth and thirty-sixth years of Victoria, chapter ninety-one,* and subject as herein-after provided the provisions of that Act shall extend to a county council as if such council were included in the expression "governing body," and the administrative county were the district in the said Act mentioned. [Amended by the County Councils (Bills in Parliament) Act 1903 (see Appendix). See also the Railway and Canal Traffic (Provisional Orders) Amendment Act 1891, s. 1.]

Council to have power to oppose Bills in Parliament.

Provided that—

(a.) No consent of owners and ratepayers shall be required for any proceedings under this section.

[Part omitted (county councils not to promote Bills) rep. by the County Councils (Bills in Parliament) Act 1903, s. 1 (5) (see Appendix).]

16.—(1.) A county council shall have the same power of making byelaws in relation to their county, or to any specified part or parts thereof, as the council of a borough have of making byelaws in relation to their borough under section twenty-three of the Municipal Corporations Act, 1882, and section one hundred and eighty-seven of the Public Health Act, 1875, shall apply to such byelaws.

Power of county council to make bye-laws.

45 & 46 Vict. c. 50.
38 & 39 Vict. c. 55.

[Part omitted (byelaws made under this section not to apply in a borough) not applicable to London.]

17.—(1.) The council of any county may, if they see fit, appoint and pay a medical officer of health, or medical officers of health, who shall not hold any other appointment or engage in private practice without express written consent of the council.

Power of county councils to appoint medical officer of health.

[Part omitted (as to arrangements between county councils and district councils with respect to medical officers of health) not applicable to London.]

18. Except where the Local Government Board, for reasons brought to their notice, may see fit in particular cases specially to allow, no person shall hereafter be appointed the medical officer of health of any county or county district, or combination of county districts, or the deputy of any such officer, unless he be legally qualified for the practice of medicine, surgery, and midwifery.

Qualification of medical officers of health.

(2.) No person shall after the first day of January one thousand eight hundred and ninety-two be appointed the medical officer of

* *I.e.* the Borough Funds Act 1872. See Appendix.

49 & 50 Vict.
c. 48.

Power of
county
council as to
report of
medical
officer of
health.

health of any county or of any such district or combination of districts, as contained, according to the last published census for the time being, a population of fifty thousand or more inhabitants, unless he is qualified as above-mentioned, and also either is registered in the medical register as the holder of a diploma in sanitary science, public health, or State medicine under section twenty-one of the Medical Act, 1886, or has been during three consecutive years preceding the year one thousand eight hundred and ninety-two a medical officer of a district or combination of districts, with a population according to the last published census of not less than twenty thousand, or has before the passing of this Act been for not less than three years a medical officer or inspector of the Local Government Board.

19.—(1.) Every medical officer of health for a district in any county shall send to the county council a copy of every periodical report of which a copy is for the time being required by the regulations of the Local Government Board to be sent to the Board, and if a medical officer fails to send such copy the county council may refuse to pay any contribution, which otherwise the council would in pursuance of this Act pay, towards the salary of such medical officer.

(2.) If it appears to the county council from any such report that the Public Health Act, 1875, has not been properly put in force within the district to which the report relates, or that any other matter affecting the public health of the district requires to be remedied, the council may cause a representation to be made to the Local Government Board on the matter.

[See 54 & 55 Vict. c. 76, ss. 14 (2), 21 (5), 114, and 129.]

Financial Relations between Exchequer and County, and Contributions by County for Costs of Union Officers.

Payment to
county
council of
proceeds of
duties on
local taxa-
tion licences.

20.—(1.) After the financial year ending on the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall from time to time, in such manner and under such regulations as the Treasury from time to time prescribe, pay into the Bank of England to such account (in this Act referred to as the Local Taxation Account) as may be fixed by the regulations, such sums as may be ascertained in manner provided by the regulations to be the proceeds of the duties collected by those Commissioners in each administrative county in England and Wales on the licences (in this Act referred to as local taxation licences) specified in the First Schedule to this Act, and for the purposes of this section all penalties and forfeitures recovered in respect of the said duties shall be considered as part of the proceeds of the duties.

(2.) The amount ascertained as aforesaid to have been collected in each county in respect of duties on local taxation licences shall, from time to time, be certified by the Commissioners of Inland Revenue, and paid under the direction of the Local Government Board out of the Local Taxation Account to the council of such county. The Commissioners may, if they think fit, vary such certificate, but unless so varied, their certificate shall be conclusive.

(3.) It shall be lawful for Her Majesty the Queen from time to time by Order in Council made on the recommendation of the Treasury to transfer to county councils as from the date specified in the Order the power to levy the duties on all or any of the local

taxation licences, and after such date every county council and their officers shall (subject nevertheless to any exceptions and modifications contained in the Order) have within their county, for the purpose of levying the duties transferred, the same powers, duties, and liabilities as the Commissioners of Inland Revenue and their officers have with respect to the duties transferred, and to the issue and cancellation of licences on which the duties are imposed, and other matters under the Acts relating to those duties and licences, and all enactments relating to those duties and licences, and to punishments and penalties connected therewith, shall apply accordingly.

(4.) Provided as follows :—

(i.) All penalties and forfeitures recovered by a county council in pursuance of this section shall, instead of being paid to the Exchequer, be paid to the county fund, and carried to the same account as the duties.

(ii.) The county council shall have, as respects the said duties and licences, the power given by the said Acts to the Treasury for the restoration of any forfeiture, and the mitigation or remission of any penalty or any part thereof.

(iii.) Nothing in this section shall confer on the county council any special privileges of the Crown as respects legal proceedings.

(5.) On a transfer under this section of the power to levy the duties on any licence—

(a.) the county council shall provide for issuing, in different parts of their county, their licence for the same purpose, so as to enable persons to obtain it near their residences ; and

(b.) if such licence has operation in any place in the United Kingdom outside the county in which it is issued, the licence of a county council for the same purpose shall continue to have the like operation outside the county in such place.

[See also the *Locomotives on Highways Act 1896*, s. 8,* and the *Agricultural Rates Act 1896*, s. 2.†]

* S. 8 of the *Locomotives on Highways Act 1896* is as follows :—

“ 8. (1) On and after the first day of January next after the passing of this Act there shall be granted, charged, and paid in Great Britain for every light locomotive, which is liable to duty either as a carriage or as a hackney carriage under section four of the Customs and Inland Revenue Act, 1888, an additional duty of excise at the following rate : namely :—

Excise duty on certain locomotives.

If the weight of the locomotive exceeds one ton unladen, but does not exceed two tons unladen £ s. d.

“ 2 2 0

If the weight of the locomotive exceeds two tons unladen 3 3 0

“ (2) Every such duty shall be paid together with the duty on the licence for the locomotive as a carriage or a hackney carriage, and shall in England be dealt with in manner directed with respect to duties on local taxation licences within the meaning of the Local Government Act, 1888. . . .”

† S. 2 of the *Agricultural Rates Act 1896* is as follows :—

“ 2. (1) In respect of the deficiency which will arise from the provisions of this Act in the produce of rates made by the spending authorities in England, as hereinafter defined, there shall during the continuance of this Act—

Payment out of local taxation account in respect of deficiency arising from exemption.

“ (a) Be paid to the local taxation account an annual sum (in this Act referred to as “the annual grant”) of such amount as is certified under the provisions hereinafter contained, and

“ (b) Be issued from the local taxation account by half-yearly payments out of the annual grant to each such spending authority a share of that grant of such amount as is certified under the provisions hereinafter contained.

“ (2) The commissioners of Inland Revenue, in such manner, by such payments, and under such regulations, as the Treasury direct, shall pay to the local taxation account, out of the proceeds of the estate duty derived in England from personal property, the annual sum required by this section to be paid to that account.”

Inland Revenue payments

Grant to
county
council of
portion of
probate duty.

21. After the financial year ending the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall, from time to time, in such manner and under such regulations as the Treasury may from time to time prescribe, pay into the Bank of England to the Local Taxation Account, such sums as may be ascertained in manner provided by the regulations to be four fifth parts of one half of the proceeds of the sums collected by them in respect of the probate duties, and for the purpose of this section "probate duties" means the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England, Wales, or Ireland, and on the inventory exhibited and recorded in Scotland, and also the stamp duties charged on such accounts of personal and movable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881, and also includes the proceeds of all penalties and forfeitures recovered in relation to such stamp duties. [*See the Finance Act 1894, s. 19.*]

44 & 45 Vict.
c. 12.

Distribution
of probate
duty grant.

22.—(1.) The sums paid in pursuance of this Act to the Local Taxation Account, in respect of the proceeds of the probate duties (in this Act referred to as the "probate duty grant"), shall, until Parliament otherwise determine, be distributed among the several counties in England and Wales in proportion to the share which the Local Government Board certify to have been received by each county during the financial year ending the thirty-first day of March next before the passing of this Act out of the grants heretofore made out of the Exchequer in aid of local rates, which will cease to be granted after the passing of this Act, and the share to be so certified shall be estimated in such manner as the Local Government Board direct.

(3.) The proportion to be paid to each county shall from time to time be paid under the direction of the Local Government Board to the county council out of the Local Taxation Account. The Board may, if they think proper, vary their certificate, but unless it is so varied, their certificate shall be conclusive.

[*Part omitted (special provisions as to South Wales and the Isle of Wight) not applicable to London.*]

Application
of duties on
local taxation
licences, and
probate duty
grant.

23.—(1.) All sums from time to time received by a county council in respect of—

(a.) the duties on the local taxation licences, whether collected by the Commissioners of Inland Revenue or by the county council; and

(b.) the probate duty grant,
shall be paid to the county fund and carried to a separate account, in this Act referred to as the Exchequer Contribution Account.

(2.) All sums for the time being standing to the Exchequer Contribution Account shall be applied—

(i.) in paying the costs incurred in respect thereof, or otherwise chargeable thereon; and

(ii.) in payment of the sums required by this Act to be paid by the county council in substitution for local grants; and

(iii.) in payment of the grant required by this Act to be made by the county council in respect of costs of union officers; and

(iv.) in repaying to the general county account of the county

fund the costs on account of general county purposes for which the whole of the area of the county is liable to be assessed to county contributions ;

and shall be so applied in the order above mentioned. [*See the Technical Instruction Act 1891, s. 2.*]

[*Parts omitted (as to payment of surplus after paying costs and sums referred to in sub-s. 2 to councils of quarter sessions boroughs, to borough and county police, and to district councils) not applicable to London.*]

24. Whereas certain grants heretofore made out of the Exchequer in aid of local rates (in this Act referred to as local grants) will by reason of the duties on the local taxation licences and the probate duty grant being by this Act made payable to local authorities, cease, it is therefore hereby enacted as follows :—

Payments by county council in substitution for annual local grants out of Exchequer in aid of local rates.

(1.) So much of any enactment as requires or authorises payment out of the Exchequer of any local grant in substitution for which the county council is required by this Act to make any payment is hereby repealed as from the thirty-first day of March next after the passing of this Act without prejudice to any right accrued before that day.

(2.) In substitution for local grants, the council of each county shall from time to time as from the said day pay out of the county fund and charge to the Exchequer Contribution Account the following sums, that is to say—

(a.) they shall pay to the guardians for every poor law union or officer for any other area wholly or partly in the county (as the case may be) such sums as the Local Government Board from time to time certify to be due from the said council in substitution for the local grants towards the remuneration of teachers in poor law schools, and for payments to public vaccinators under section five of the Vaccination Act, 1867 ; and

30 & 31 Vict.
c. 84.

(b.) they shall pay to the guardians of every poor law union the school fees paid for pauper children sent from a workhouse to a public elementary school outside the workhouse ; and

(c.) they shall pay to every local authority, for any area wholly or partly in the county, by whom a medical officer of health or inspector of nuisances is paid, one half of the salary of such officer, where his qualification, appointment, salary, and tenure of office are in accordance with the regulations made by order under the Public Health Act, 1875,* or any Act repealed by that Act, but if the Local Government Board certify to the council that such medical officer has failed to send to the Local Government Board such report and returns as are for the time being required by the regulations respecting the duties of such officer made by order of the Board under any of the said Acts, a sum equal to such half of the salary shall be forfeited to the Crown, and the council shall pay the same into Her Majesty's Exchequer and not to the said local authority ; and

38 & 39 Vict.
c. 55.

(d.) they shall pay to the guardians paying the registrars of births and deaths for any district wholly or partly in the

* See 54 & 55 Vict. c. 76, s. 108.

- county a sum equal to the amount paid out of local grants towards the remuneration of the registrars paid by those guardians during the financial year ending on the thirty-first day of March next after the passing of this Act ; and
- (e.) they shall transfer to that account of the county fund to which the maintenance of any pauper lunatic chargeable to the county is charged, a sum equal to four shillings a week for each such pauper lunatic, for whom the net charge upon the county council, after deducting any amount received by the county council for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so transferred ; and
- (f.) they shall pay to the guardians of every poor law union wholly or partly in the county a sum equal to four shillings a week for each pauper lunatic chargeable to that union, and maintained in an asylum, registered hospital, or licensed house, for whom the net charge upon the guardians, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid ; and
- (g.) they shall pay to the council of each borough* to which the maintenance of any pauper lunatic is chargeable, a sum equal to four shillings a week for each such pauper lunatic for whom the net charge upon the council of the borough, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid ; and
- (h.) they shall transfer to that account of the county fund to which the compensation payable to the clerk of the peace of a county, or any other officer of quarter sessions for the county, under section eighteen of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-six is charged, the amount of such compensation ; and
- (i. j.) [*As to police. Not applicable to London. See s. 93.*]
- (k.) they shall, if within their county sums are raised by rates for the purpose of the Metropolitan Police, pay to the Receiver for the Metropolitan Police District in each year, a sum bearing such proportion to the sum actually raised in the same year by rates from the parishes in that county for the said purpose as a Secretary of State certifies to be the proportion which would have been contributed out of the Exchequer under the arrangement in force during the financial year next before the passing of this Act. [*See 31 & 32 Vict. c. 67.*]

(3.) A reference in sections one hundred and eighty-nine and one hundred and ninety-one of the Public Health Act, 1875, to officers any portion of whose salary is paid out of moneys provided by Parliament shall be construed to refer to those officers in respect of whose salaries payment is made by a county council in pursuance

* See s. 41 (2), and the Lunacy Act 1890, ss. 286 and 290.

of this section. [See also s. 88, and 54 & 55 Vict. c. 76, s. 106, *et seq.*]

(4.) [As to payments to county and borough police. Not applicable to London. See s. 93 (2).]

(5.) Where a sum is payable under this section to the guardians, authority, or officer of a union or other area, and such union or area is situate in more administrative counties than one, a proportionate part only of the sum otherwise payable shall be paid by the council of each of such counties to the guardians, authority, or officer, and the Local Government Board shall certify the proportionate part due from the council of each such county.

(6.) The guardians, authority, or officer to whom a sum is payable under this section on the certificate of the Local Government Board, shall submit to the Board their claim to the payment in such manner, and produce such evidence and comply with such rules as the Board from time to time require or make, and the Board shall fix the amount due on the like principles, and may impose the like conditions for the payment thereof as before the passing of this Act.

(7.) The Local Government Board may, if they think fit, vary a certificate granted for the purposes of this section, but, unless so varied, it shall be conclusive.

25. [As to police. Not applicable to London. See s. 93 (2).]

26. [As to grant by county councils other than the London County Council towards costs of officers of poor law unions. Not applicable to London. See s. 43.]

27.—(1.) When a county council are required under the provisions of this or any other Act to pay any sum into Her Majesty's Exchequer, or to the Treasury, or to the Receiver for the Metropolitan Police District, such sum shall be deducted from the amount payable under the provisions of this Act out of the Local Taxation Account to such county council, and instead of being paid to the county council, shall be paid into Her Majesty's Exchequer, or to the Receiver for the Metropolitan Police District, as the case requires.

Supple-
mental pro-
visions as to
local taxation
account and
Exchequer
contribution
account.

(2.) The account of the receipts and expenditure of the Local Taxation Account shall be audited as a public account by the Comptroller and Auditor-General in accordance with such regulations as the Treasury may from time to time make.

(3.) If at any time in any financial year the moneys standing to the Local Taxation Account are insufficient to meet such sums as the Local Government Board consider proper for the time being to pay thereout, the Local Government Board may borrow temporarily on the security of the said account and of moneys becoming payable thereto such sums as they require for the purpose of meeting such deficiency, and the Bank of England may lend such sums, but all sums so borrowed shall be repaid with the interest thereon during the same financial year out of moneys payable to the said account.

General Provisions as to Transfer.

28.—(1.) The county council shall, as respects the business by this Act transferred to them from quarter sessions or the Justices out of sessions, be subject to the provisions and limitations in this Act specified, but, save as aforesaid, shall have and be subject to all the powers, duties, and liabilities, which the quarter sessions, or any committee thereof, or any Justice or Justices had or were subject to in respect of the business so transferred.

General pro-
visions as to
powers
transferred
to county
council.

(2.) The county council shall, with the exceptions herein-after mentioned, have power to delegate, with or without any restrictions or conditions as they may think fit, any powers or duties transferred to them by or in pursuance of this Act, . . . to any committee of the county council appointed in pursuance of this Act . . . ; the county council may also, without prejudice to any other power whether to appoint committees or otherwise, delegate to the Justices of the county sitting in petty sessions any power or duty transferred by this Act to the county council in respect of the licensing of houses or places for the public performance of stage plays, and in respect of the execution as local authority of the Explosives Act, 1875, or of the Act relating to contagious diseases of animals.

(3.) Provided that the county council shall not under this section delegate any power of raising money by rate or loan.

[Part omitted (as to delegation of powers to district council) not applicable to London. See also s. 75, and the Municipal Corporations Act 1882, s. 22 (see Appendix).]

29. If any question arises, or is about to arise, as to whether any business, power, duty, or liability is or is not transferred to any county council or joint committee under this Act, that question, without prejudice to any other mode of trying it, may, on the application of a chairman of quarter sessions, or of the county council, committee, or other local authority concerned, be submitted for decision to the High Court of Justice in such summary manner as subject to any rules of court may be directed by the court; and the court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

30.—(1.) For the purpose of . . . the clerk of the peace, and of clerks of the justices, and joint officers, and of matters required to be determined jointly by the quarter sessions and the council of a county, there shall be a standing joint committee of the quarter sessions and the county council, consisting of such equal number of Justices appointed by the quarter sessions and of members of the county council appointed by that council as may from time to time be arranged between the quarter sessions and the council, and in default of arrangement such number taken equally from the quarter sessions and the council as may be directed by a Secretary of State.

(2.) The joint committee shall elect a chairman, and, in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot.

(3.) Any matter arising under this Act with respect . . . to the clerk of the peace, or to clerks of the justices, or to officers who serve both the quarter sessions or justices and the county council, or to the provision of accommodation for the quarter sessions or justices out of session or to the use by them . . . or the said clerks of any buildings, rooms, or premises, or to the application of the Local Stamp Act, 1869, to any sums received by clerks to Justices, or with respect to anything incidental to the above-mentioned matters, and any other matter requiring to be determined jointly by the quarter sessions and county council, shall be referred to and determined by the joint committee under this section; and all such expenditure as the said joint committee determine to be required for the purposes of the matters above in this section mentioned, shall be paid out of the county fund, and the council of the county shall provide for such payment accordingly.

[Parts omitted (as to police) not applicable to London. See s. 93.]

38 & 39 Vict.
c. 17.

Summary
proceeding
for deter-
mination of
questions as
to transfer
of powers.

Standing
joint com-
mittee of
quarter
sessions and
county
council for
the purpose
of police,
clerk of the
peace,
officers, etc.

32 & 33 Vict.
c. 49.

PART II.

APPLICATION OF ACT TO BOROUGHs, THE METROPOLIS, AND CERTAIN SPECIAL COUNTIES.

Application of Act to Boroughs.

31—34. [*Provisions as to county boroughs. Not applicable to London.*]

35. In the case of a quarter sessions borough, not being one of the boroughs named in the Third Schedule to this Act, but containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, the following provisions shall, on and after the appointed day, apply :

- (1.) Nothing in this Act shall transfer to the county council any power of the council of the borough as local authority under any Act. . . . [See s. 41.]

[*Part omitted (as to county boroughs) not applicable to London.*]

36.—(1.) Where a borough has a separate commission of the peace, whether a quarter sessions borough or not (and is not a borough named in the Third Schedule to this Act), then, subject to the provisions of this Act, all such powers, duties, and liabilities of the court of quarter sessions or Justices of the borough, as in the case of the county are by this Act transferred to the county council, shall cease, and the county council shall have those powers, duties, and liabilities within the area of the borough in like manner as in the rest of the county.

[*Part omitted (as to county boroughs) not applicable to London.*]

37. [*Application of the Act to quarter sessions boroughs hereafter created. Not applicable to London.*]

38. [*Application of the Act to smaller quarter sessions boroughs with a population under 10,000. Not applicable to London.*]

39. [*Application of Act to all boroughs with a population under 10,000. Not applicable to London.*]

Application of Act to Metropolis.

40. In the application of this Act to the metropolis, the following provisions shall have effect :—

- (1.) The metropolis shall, on and after the appointed day, be an administrative county for the purposes of this Act by the name of the administrative county of London.
- (2.) Such portion of the administrative county of London as forms part of the counties of Middlesex, Surrey, and Kent, shall on and after the appointed day be severed from those counties, and form a separate county for all non-administrative purposes by the name of the County of London : and it shall be lawful for Her Majesty the Queen to appoint a sheriff of that county, and to grant a commission of the peace and court of quarter sessions to that county : and, subject to the provisions of this Act, all enactments, laws, and usages with respect to counties in England and Wales, and to sheriffs, justices, and quarter sessions shall, so far as circumstances admit, apply to the county of London :

- (3.) Provided that, for the purpose of the jurisdiction of the Justices under such commission, and of such court, as well as other non-administrative purposes, the county of the city of London shall continue a separate county, but if and when the mayor, commonalty, and citizens of the city assent to jurisdiction being conferred therein on such Justices and court may by commission under the Great Seal be made subject to the jurisdiction thereof.
- (4.) The number of the county councillors for the administrative county of London, shall be double the number of members which at the passing of this Act, the parliamentary boroughs in the metropolis are authorised by law to return to serve in Parliament ; and each such borough, or if it is divided into divisions, each division thereof, shall be an electoral division for the purposes of this Act, and the number of county councillors elected for each such electoral division, shall be double the number of members of Parliament which such borough or division is at the passing of this Act entitled to return to serve in Parliament :
- (5.) Provided that the number of county aldermen in the administrative county of London, shall not exceed one-sixth of the whole number of county councillors.
- (6.) The provisions of this Act with respect to the powers, duties, and liabilities of county councils, and the transfer of property, debts, and liabilities of counties to county councils, shall apply to the administrative county of London in like manner, so nearly as circumstances admit, as if the quarter sessions, justices, and clerks of the peace of the counties of Middlesex, Surrey, and Kent had been, so far as regards the metropolis, the quarter sessions, justices, and clerk of the peace for the administrative county of London :
- (7.) Provided that any property, debts, or liabilities of the county of Kent shall not, by reason only of this enactment, be vested in the County Council of London, but such property, debts, and liabilities, and also the property, debts, and liabilities of the counties of Middlesex and Surrey, shall be apportioned between the portions of those counties situate within the metropolis and the portions situate outside the metropolis in such manner as may be determined by agreement between the respective county councils, or in default of agreement by the Commissioners under this Act, and the property, debts, and liabilities apportioned to the portions within the metropolis shall be the property, debts, and liabilities of the whole of the administrative county of London. [*Spent as regards apportionment.*]
- (8.) There shall also be transferred to the London County Council the powers, duties, and liabilities of the Metropolitan Board of Works, and after the appointed day that Board shall cease to exist, and the property, debts, and liabilities thereof shall be transferred to the London County Council, and that Council shall be in law the successors of the Metropolitan Board of Works.
- (9.) If the London County Council borrow for the purposes of this Act they shall borrow in accordance with the

provisions of the Acts relating to the Metropolitan Board of Works, but save as aforesaid Part Four of this Act shall apply to the London County Council when acting as successors of the Metropolitan Board of Works, and the costs incurred when so acting shall be paid out of the county fund, and the payment thereof shall be a general county purpose. [*See s. 41 (3).*]

41.—(1.) Of the powers, duties, and liabilities of the court of quarter sessions and Justices of the city of London—

(a.) such of them as would, if the city were a quarter sessions borough, with a population exceeding ten thousand, be exercised by virtue of this or any other Act by the council of the borough, shall be transferred to the mayor, commonalty, and citizens of the city acting by the council (in this Act referred to as the Common Council); and

(b.) such of them as would, in the said case, be by virtue of this Act exercised and discharged by the County Council shall cease, and the County Council shall, subject to the provisions of this Act, have those powers, duties, and liabilities within the city of London in like manner as within the rest of the administrative county of London.

(2.) The provisions of this Act with respect to the transfer to a county council shall apply with the necessary modifications to such transfer to the Common Council, and the Common Council shall be entitled to receive from the London County Council in respect of each pauper lunatic, the same amount as is required by this Act to be paid by any other county council to the council of a borough. [*See s. 24 (2) (g).*]

(3.) Where at the passing of this Act the Metropolitan Board of Works or the Quarter Sessions of Middlesex are authorised to incur costs for any purpose, and the Common Council of the city are not liable to contribute to such costs, the parishes in the city of London shall not, save as in this Act expressly mentioned, be liable to be assessed to county contributions in respect of costs incurred by the County Council for such purpose, but this exemption shall not extend to any costs incurred for the purpose of any powers, duties, or liabilities of the quarter sessions or Justices of the city of London, which will be exercised and discharged by the London County Council.

(4.) The provisions of the Highways and Locomotives (Amendment) Act, 1878, with respect to main roads, as amended by this Act, shall extend to the metropolis in like manner as if the expression “urban sanitary district” in that Act included, as respects the metropolis, the city of London, and a parish in Schedule A., and a district in Schedule B. of the Metropolis Management Act, 1855, as amended by subsequent Acts, and as if the Commissioners of Sewers,* or vestry,† or district board‡ (as the case may be) were the urban sanitary authority: Provided that—

(a.) in the city of London the Common Council shall have the power under the Highways and Locomotives (Amendment) Act, 1878,‡ of making byelaws respecting locomotives, and authorising locomotives to be used on any road within the

* Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

† Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

‡ But see now the Locomotives Act, 1898, ss. 6, 7, 9, and 17.

Position of
city of
London, and
application of
Highway
Acts.

11 & 12 Vict.
c. 77.

18 & 19 Vict.
c. 120.

city, save that if any difference is made by such byelaws or authority between any main road maintained by the County Council and the other roads in the city, such authority and byelaws shall require the approval of the County Council; and

- (b.) the Common Council in the city of London, and in any other part of the metropolis, the vestry,* or district board,* shall be deemed to be a district council and an urban authority within the meaning of the provisions of this Act with respect to main roads, and may accordingly claim to retain the power of maintaining and repairing a main road, and in such case shall have all such powers and duties of maintaining, repairing, improving and enlarging, and otherwise dealing with the main road as they would have if it were an ordinary highway repairable by them, and such powers and duties shall in the city of London be discharged by the Commissioners of Sewers.† [See note to section 11 (1), and see 62 and 63 Vict. c. 14, s. 6 (1).]

(5.) The payment of the costs of assizes and sessions shall be a general county purpose for which the parishes in the city may be assessed to county contributions, and all such costs of prosecutions in the city as are by law payable out of the county rate shall be paid out of the county fund.

(6.) The county councillors elected for the city, shall not act or vote in respect of any question arising before the County Council as regards matters involving expenditure on account of which the parishes in the city are not for the time being liable to be assessed equally with the rest of the administrative county to county contributions. [See 53 & 54 Vict. c. cexliii. s. 23.]

(7.) The London County Council, and the Common Council of the City of London may agree for the cessation in whole or in part of any exemption under this section from assessment, in consideration either of payment by the County Council of a capital sum, or of an annual payment, or of a transfer of property or liabilities, or of the County Council undertaking, in substitution for the Common Council, any powers or duties, or partly for one consideration and partly for another, or in any other manner, according as may be determined.

(8.) The sheriffs of the city of London shall not have any authority except in the city.

Arrangements for paid chairman and sitting of quarter sessions for London.

‡ 42.—(1.) If the London County Council petitions Her Majesty the Queen in that behalf, it shall be lawful for Her Majesty from time to time to appoint a barrister of not less than ten years' standing to be paid chairman or deputy chairman, or one of the paid deputy chairmen, as the case may be, of the quarter sessions for the county of London.

(2.) Any person so appointed shall hold office during good behaviour, and shall by virtue of his office be a Justice of the Peace for the county of London.

(3.) There shall be paid to him out of the county fund as a

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† Now the Mayor, Commonalty, and Citizens of the City of London. See the City of London Sewers Act 1897.

‡ See also 59 and 60 Vict. c. 55.

general county purpose such yearly salary not exceeding that stated in the petition in consequence of which the appointment was made, as Her Majesty directs.

(4.) Such chairman or deputy chairman shall not, during his office, be eligible to serve in Parliament, and shall not during his continuance in office practise as a barrister.

(5.) Where there is any such paid chairman or deputy chairman of the quarter sessions, the court may be held before such chairman or deputy chairman alone.

(6.) Separate courts of quarter sessions may be held at different parts of the county of London at the same time if so directed by the County Council with the approval of a Secretary of State, and every court of general sessions of the peace for the county of London and every adjournment thereof shall have the same jurisdiction in all respects, including the power of hearing and determining appeals, as if such court were quarter sessions.

(7.) The London County Council may from time to time submit to a Secretary of State a scheme* for regulating the holding of courts of quarter sessions in London either at any one place or at different places, and in the latter case either at the same time or at different times, and for determining the legal character of each sessions so held, that is to say, whether quarter, general, original, or adjourned sessions, or otherwise, and for making such regulations respecting committals for trial, recognisances, depositions, and other matters as are necessary or proper for giving effect to the scheme, and such scheme, when approved by a Secretary of State, shall be published in the London Gazette, and thereupon shall have effect as if it were enacted in this Act.

(8.) Until the quarter sessions for the county of London constitute special sessional divisions, every petty sessional division of the counties of Middlesex, Surrey, and Kent existing at the appointed day, or so much of such division as is situate in the county of London, shall form a special or petty sessional division of the county of London.

(9.) [*As to sessional divisions in Middlesex, Surrey, and Kent. Not applicable to London.*]

(10.) The quarter sessions for the county of London* shall be substituted for the general assessment sessions under the Valuation (Metropolis) Act, 1869, and have all the jurisdiction vested in those sessions, and shall exercise the same within the same area. Upon the hearing of any appeals in relation to property in the city of London, such two members of the court of quarter sessions of the city of London as may be appointed by that court for the purpose, shall be entitled to attend and sit as members of the quarter sessions for the county of London.

22 & 33 Vict.
c. 67.

(11.) [*As to sessions of the peace for Middlesex. Not applicable to London.*]

(12.) [*As to quarter sessions for Middlesex, Surrey, and Kent. Not applicable to London.*]

(13.) Nothing in this Act shall alter the powers or duties of the justices, quarter sessions, recorder, or common serjeant of the city of London, further or otherwise than is expressly provided or than the powers and duties of the justices or quarter sessions of any county are altered.

* See the Quarter Sessions Scheme approved by the Council on the 1st March 1905

(14.) Provided that from and after the appointed day the rights claimed by the Court of Common Council to appoint to the offices of common serjeant, and judge of the City of London Court shall cease, and in any future vacancy in each of the said offices, it shall be lawful for Her Majesty the Queen to appoint a duly qualified barrister to be such common serjeant, or judge, and from and after the next vacancy no recorder shall exercise any judicial functions unless he is appointed by Her Majesty to exercise such functions.

Grant by
London
County Coun-
cil to poor
law unions.

43.—(1.) In the administrative county of London the county council:—

- (a.) shall pay to the guardians for every poor law union wholly in the county such sums as the Local Government Board from time to time certify to be due from the said Council in substitution for the local grants towards the remuneration of poor law medical officers, and towards the cost of drugs and medical appliances; and
- (b.) shall grant to the guardians of every poor law union wholly in their county an amount equal to fourpence a day per head for every indoor pauper maintained in that union, and such grant, during the five local financial years beginning on the appointed day, shall be reckoned according to the average number of indoor paupers so maintained during the five financial years ending on the twenty-fifth day of March next before the passing of this Act, and shall, after the end of the said five local financial years, unless Parliament otherwise determine, continue to be reckoned in accordance with the same average number.
- (c.) [*As to payments to guardians of poor law unions, of which portions only are situate in the county. Not applicable to London.**]

(2.) For the purposes of this section the expression “indoor pauper” includes all paupers maintained in a workhouse, and all paupers maintained in any district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, or institution for the deaf, dumb, blind, or idiots, or in any certified school under the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her Majesty, chapter forty-three, and includes any children boarded out, whether within or without the limits of the union, and in the metropolitan asylum district includes all inmates of any asylum for imbeciles provided by the managers of that district, but excludes paupers relieved in casual wards, and such number of indoor paupers in a workhouse or in a district or separate school or in a separate infirmary or asylum, as exceeded the number prescribed by the Local Government Board for that workhouse, school, infirmary or asylum, and also excludes paupers maintained for part only of a day: Provided always, that any paupers maintained under any contract or agreement in a workhouse other than that of the union to which they are chargeable, shall be included only in the number of indoor paupers of the union to which they are so chargeable.

(3.) The average number of paupers shall be estimated in such manner as the Local Government Board direct, and shall be certified

* Croydon Union was the only union of which a portion only (viz. the hamlet of Penge) was situate in the metropolis. By the Penge Scheme 1900, made under 62 & 63 Vict. c. 14, Penge ceased to be a portion of London.

by the Board. The Board may, if they think proper, vary their certificate, but unless it is so varied, their certificate shall be conclusive.

44. On and after the appointed day all powers and duties of the clerk to the Managers of the Metropolitan Asylums District under the Valuation (Metropolis) Act, 1869, shall be transferred to the clerk of the county council of London, and the said Act shall be construed as if the county council were substituted therein for the Managers of the Metropolitan Asylums District.

Transfer of duties under 32 & 33 Vict. c. 67 of clerk of Metropolitan Asylum Managers.

45. [*As to slaughter-houses in the metropolis. Rep. 54 & 55 Vict. c. 76, s. 142. See ibid. s. 20.*]

Application of Act to Special Counties and to Liberties.

46. For the purposes of this Act there shall be enacted the provisions following; that is to say,

Application of Act to certain special counties.

- (6.) From and after the appointed day the right of the mayor, commonalty, and citizens of the city of London to elect the sheriff of Middlesex shall cease, and it shall be lawful for Her Majesty the Queen to appoint a sheriff of the county of Middlesex, and the law relating to sheriffs shall apply in the case of the county of Middlesex in like manner as in the case of any other county.

[*Parts omitted apply to counties other than London.*]

47. [*Saving for Manchester Assize Courts Act 1858.*]

48.—(1.) For all purposes of this Act, every liberty and franchise of a county, wholly or partly exempt from contribution to the county rate, shall, save as may be otherwise provided by or in pursuance of this Act, form part of the county of which it forms part for the purposes of parliamentary elections.

Merger of liberties in county.

(2.) The provisions of this Act with respect to the transfer to the county council of the powers, duties, and liabilities of the quarter sessions and Justices of a county, and of their property, debts, and liabilities, whether vested in or attaching to the clerk of the peace or any Justice or Justices or otherwise on behalf of the county, shall apply to every such liberty and franchise as above mentioned in like manner in all respects as if they were herein re-enacted and in terms made applicable to such liberty and franchise; and the county council shall have and exercise in every such liberty and franchise the powers and duties transferred to them by this Act from the quarter sessions and Justices of the county;

[*Parts omitted (as to police and the Cinque Ports) not applicable to London. See (as to police) s. 93.*]

49. [*As to the Scilly Islands. Not applicable to London.*]

PART III.

Boundaries.

50—53. [*As to boundaries of counties other than London for the purposes of first elections—As to constitution of electoral divisions—As to certain borough and urban sanitary districts—As to alterations of boundaries. Not applicable to London.*]

Future alterations of boundaries.

54.—(1.) Whenever it is represented by the council of any county . . . to the Local Government Board—

- (a) that the alteration of the boundary of any county . . . is desirable *; or
- (b) that the union, for all or any of the purposes of this Act, of a county borough with a county is desirable; or
- (c) that the union, for all or any of the purposes of this Act, of any counties or boroughs or the division of any county is desirable; or
- (e) that the alteration of the boundary of any electoral division of a county, or of the number of county councillors and electoral divisions in a county, is desirable; or
- (f) that the alteration of any area of local government partly situate in their county . . . is desirable;

the Local Government Board shall, unless for special reasons they think that the representation ought not to be entertained, cause to be made a local inquiry, and may make an order for the proposal contained in such representation, or for such other proposal as they may deem expedient, or may refuse such order, and if they make the order may by such order divide or alter any electoral division.

(2.) Provided that in default of such representation by the council of any county . . . before the first day of November one thousand eight hundred and eighty-nine, the Local Government Board may cause such local inquiry to be made, and thereupon may make such order as they may deem expedient.

(3.) Provided that if the order alters the boundary of a county . . . , or provides for the union of a county borough with a county, or for the union of any counties or boroughs, or for the division of any county, . . . it shall be provisional only, and shall not have effect unless confirmed by Parliament.

(5.) At any time before the appointed day, the Local Government Board may make an order in pursuance of this section without any such representation as in this section mentioned.

[*Parts omitted (as to boroughs) not applicable to London.*]

55. [*As to provisional order amalgamating two county boroughs. Not applicable to London.*]

Procedure for charter of new borough.

56. Where a petition is presented to Her Majesty the Queen by the inhabitant householders of any town or towns or district, in pursuance of the Municipal Corporations Act, 1882,† for the grant of a charter of incorporation, notice of such petition shall be given to the county council of the county in which such town, towns, or district is or are situate, and shall also be sent to the Local Government Board, and the Privy Council shall consider any representations made by such county council or the Local Government Board, together with the petition for such charter.

Future alteration of county districts and parishes and wards and future establishment of urban districts.

57.—(1.) Whenever a county council is satisfied that a *prima facie* case is made out . . . as respects any parish, for a proposal for all or any of the following things; that is to say—

- (a) the alteration or definition of the boundary thereof;
- (b) the division thereof or the union thereof with any other . . . parish or parishes, or the transfer of part of a parish to another parish;

* See 3 Edw. 7, c. lxxxii.

† See Appendix.

the county council may cause such inquiry to be made in the locality, and such notice to be given, both in the locality, and to the Local Government Board, Education Department, or other Government department as may be prescribed, and such other inquiry and notices (if any) as they think fit, and if satisfied that such proposal is desirable, may make an order for the same accordingly.

(2.) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and otherwise as the county council think fit. . . .

(3.) . . . The order shall be submitted to the Local Government Board: and if within three months* after such notice of the provisions of the order as the Local Government Board determine to be the first notice, . . . or if the order relates only to a parish, any number of county electors registered in that parish, not being less than one sixth of the total number of electors in that parish, petition the Local Government Board to disallow the order, the Local Government Board shall cause to be made a local inquiry, and determine whether the order is to be confirmed or not.

(4.) If any such petition is not presented, or being presented is withdrawn, the Local Government Board shall confirm the order.

(5.) The Local Government Board, on confirming an order, may make such modifications therein as they consider necessary for carrying into effect the objects of the order.

(6.) An order under this section, when confirmed by the Local Government Board, shall be forthwith laid upon the table of both Houses of Parliament, if Parliament be then sitting, and, if not, forthwith after the then next meeting of Parliament.

(7.) This section shall be in addition to, and not in derogation of, any power of the Local Government Board in respect of the union or division or alteration of parishes.

[Parts omitted (as to urban and rural sanitary districts) not applicable to London.]

58. *[Additional powers to the Local Government Board as to poor law unions in more than one county. Not applicable to London. See note on s. 43 (1) (c).]*

59.—(1.) A scheme or order under this Act may make such administrative and judicial arrangements incidental to or consequential on any alteration of boundaries, authorities, or other matters made by the scheme or order as may seem expedient. Supplemental provisions as to alteration of areas.

(2.) A place which is part of an administrative county for the purposes of this Act shall, subject as in this Act mentioned form part of that county for all purposes, whether sheriff lieutenant, custos rotulorum, Justices, militia, coroner or other; Provided that—

(c.) This enactment shall not affect parliamentary elections nor the right to vote at the election of a member to serve in Parliament, nor land tax, tithes, or tithe rentcharge, nor the area within which any bishop, parson, or other ecclesiastical person has any cure of souls or jurisdiction.

(3.) For the purposes of parliamentary elections, and of the registration of voters for such elections, the sheriff, clerk of the peace, and council of the county in which any place is comprised at the passing of this Act for the purpose of parliamentary elections

* Now six months. See the Local Government Act 1894, s. 41 (see Appendix).

51 & 52 Vict.
c. 10.

shall, save as otherwise provided by the scheme or order, or by the County Electors Act, 1888,* or this Act, continue to have the same powers, duties, and liabilities as they would have had if no alteration of boundary had taken place.

(4.) Any scheme or order made in pursuance of this Act may, so far as may seem necessary or proper for the purposes of the scheme or order, provide for all or any of the following matters, that is to say,—

- (a) may provide for the abolition, restriction, or establishment, or extension of the jurisdiction of any local authority in or over any part of the area affected by the scheme or order, and for the adjustment or alteration of the boundaries of such area, and for the constitution of the local authorities therein, and may deal with the powers and duties of any council, local authorities, quarter sessions, Justices of the Peace, coroners, sheriff, lieutenant, custos rotulorum, clerk of the peace, and other officer therein, and with the costs of any such authorities, sessions, persons, or officers as aforesaid, and may determine the status of any such area as a component part of any larger area, and provide for the election of representatives in such area, and may extend to any altered area the provisions of any local Act which were previously in force in a portion of the area ; and
- (b) may make temporary provision for meeting the debts and liabilities of the various authorities affected by the scheme or order, for the management of their property, and for regulating the duties, position, and remuneration of officers affected by the scheme or order, and applying to them the provisions of this Act as to existing officers ; and
- (c) may provide for the transfer of any writs, process, records, and documents relating to or to be executed in any part of the area affected by the scheme or order, and for determining questions arising from such transfer ; and
- (d) may provide for all matters which appear necessary or proper for bringing into operation and giving full effect to the scheme or order ; and
- (e) may adjust any property, debts, and liabilities affected by the scheme or order.

(5.) Where an alteration of boundaries of a county is made by this Act an order for any of the above-mentioned matters may, if it appears to the Local Government Board desirable, be made by that Board, but such order, if petitioned against by any council, sessions, or local authority affected thereby, within three months after notice of such order is given in accordance with this Act, shall be provisional only, unless the petition is withdrawn or the order is confirmed by Parliament.

(6.) A scheme or order may be made for amending any scheme or order previously made in pursuance of this Act, and may be made by the same authority and after the same procedure as the original scheme or order. Where a provision of this Act respecting a scheme or order requires the scheme or order to be laid before Parliament, or to be confirmed by Parliament, either in every case

* See Appendix.

or if it is petitioned against, such scheme or order may amend any local and personal Act.

[Parts omitted relate to counties other than London and to cities and boroughs outside London.]

60. In every alteration of boundaries effected under the authority of this Act, care shall be taken that, so far as practicable, the boundaries of an area of local government shall not intersect the boundaries of any other area of local government. General provision as to alteration of boundaries.

61. *[Appointment of commissioners for determination of certain matters arising under this Act—Commissioners' powers to cease on 31st December 1890. Spent.*]*

62.—(1.) Any councils and other authorities affected by this Act or by any scheme, order, or other thing made or done in pursuance of this Act, may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, so far as affected by this Act or such scheme, order, or thing, of the parties to the agreement, and the agreement and any other agreement authorised by this Act to be made for the purpose of the adjustment of any property, debts, liabilities, or financial relations, may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of property, debts, duties, and liabilities so transferred or retained, or of such joint user, and in respect of the salary, remuneration, or compensation payable to any officer or person, and that either by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the Commissioners under this Act or the Local Government Board. Adjustment of property and liabilities.

(2.) In default of an agreement as to any matter requiring adjustment for the purpose of this Act, or any matter which, in case of difference, is to be referred to arbitration, then, if no other mode of making such adjustment or determining such difference is provided by this Act, such adjustment or difference may be made or determined by an arbitrator appointed by the parties, or in case of difference as to the appointment, appointed by the Local Government Board.

(3.) An arbitrator appointed under this Act shall be deemed to be an arbitrator within the meaning of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the arbitrator may state a special case, and notwithstanding anything in the said Acts, shall determine the amount of the costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily. s. 18.

(4.) Any award or order made by the Commissioners or any arbitrator under this Act may provide for any matter for which an agreement might have provided.

(5.) Any sum required to be paid for the purpose of adjustment, or of any award or order made by the Commissioners or an arbitrator under this Act, may be paid out of the county . . . fund or

* These powers were continued by the Expiring Laws Continuance Acts 1890 and 1891 till 30th June 1902.

out of such other special fund as the council, with the approval of the Commissioners under this Act or of the Local Government Board, may direct. [*Words omitted ("or borough") not applicable to London.*]

(6.) The payment of any capital sum required to be paid for the purposes of the adjustment or of an agreement under this Act, or of any award or order made upon any arbitration under this Act, shall be a purpose for which a council may borrow under this Act. . . . [*Part omitted (as to method of borrowing) not applicable to London. See s. 40 (8), and the London County Council (Money) Acts 1899—1904.*]

(7.) Any capital sum paid to any council for the purpose of any adjustment, or in pursuance of any order or award of an arbitrator under this Act shall be treated as capital, and applied, with the sanction of the Local Government Board, either in the repayment of debt or for any other purpose for which capital money may be applied.

Arbitration
by Local
Government
Board.
31 & 32 Vict.
c. 119.

63. Where the Local Government Board *are required in pursuance of this Act to decide* * any difference or other matter referred to arbitration in pursuance of this Act, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted, and in terms made applicable to the Local Government Board and the decision of differences and matters under this Act.

PART IV.

FINANCE.

Property Funds and Costs of County Council.

Transfer of
county pro-
perty and
liabilities.

64.—(1.) On and after the appointed day all property of the quarter sessions of a county, or held by the clerk of the peace, or any Justice or Justices of a county, or treasurer, or commissioners, or otherwise for any public uses and purposes of a county, or any division thereof, shall pass to and vest in and be held in trust for the council of the county, subject to all debts and liabilities affecting it, and shall be held by the county council for the same estate, interest, and purposes, and subject to the same covenants, conditions, and restrictions, for and subject to which that property is or would have been held if this Act had not passed, so far as those purposes are not modified by this Act. Provided that—

- (a) the existing records of or in the custody of the court of quarter sessions shall, subject to any order of that court, remain in the same custody in which they would have been if this Act had not passed; and
- (b) where any property belongs to a charity, nothing in this Act shall affect the trust of such charity, and until otherwise directed by the Charity Commissioners for England and Wales, the trustees or managers of the charity shall be appointed in like manner as if this Act had not passed; and
- (c) the Justices of any county may retain any pictures, chattels, or property on the ground that the same have been presented to them or purchased out of their own funds or

* The words "determine as arbitrators" are substituted for the words in italics by the Local Government (Determination of Differences) Act 1896.

otherwise belong to them, and are not held for public purposes of the county, and any difference arising between the county council and the Justices with respect to any such retention shall be referred to and determined by the Commissioners under this Act.

(2.) On and after the appointed day all debts and liabilities of the quarter sessions, or of the clerk of the peace, or any Justice or Justices, or treasurer, or commissioners, incurred for county purposes, shall become debts and liabilities of the county council, and shall, subject to the provisions of this Act, be defrayed by them out of the like property and funds out of which they would have been defrayed if this Act had not passed.

(3.) The county council shall have full power to manage, alter, and enlarge, and, with the consent of the Local Government Board, to alienate any land or buildings transferred by this section, or otherwise vested in the council, but shall provide such accommodation and rooms, and such furniture, books, and other things as may from time to time be determined by the standing joint committee of quarter sessions and the county council, to be necessary or proper for the due transaction of the business, and convenient keeping of the records and documents, of the quarter sessions and Justices out of sessions, or of any committee of such quarter sessions or Justices.

[Parts omitted are special provisions for places other than London.]

65.—(1.) A county council may, from time to time, for the purpose of any of their powers and duties, including those which are to be executed through the standing joint committee, acquire, purchase, or take on lease, or exchange any lands or any easements or rights over or in land, whether situate within or without the county, and may acquire, hire, erect, and furnish such halls, buildings, and offices as they may from time to time require, whether within or without their county. Power to acquire lands.

(2.) For the purpose of the purchase, taking on lease, or exchange of such lands, sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of the Public Health Act, 1875,* shall apply as if they were herein re-enacted, and in terms made applicable to the county council.

(3.) Where the county council, with the consent of the Local Government Board, sell any land, the proceeds of such sale shall be applied in such manner as the said Board sanction towards the discharge of any loan of the council, or otherwise for any purpose for which capital may be applied by the council.

66. All costs incurred by the quarter sessions or the Justices out of session of a county, and all costs incurred by any Justice . . . in defending any legal proceedings taken against him in respect of any order made, or act done, in the execution of his duty as such Justice, . . . shall, to such amount as may be sanctioned by the standing joint committee of the county council and quarter sessions, and, so far as they are not otherwise provided for, be paid out of the county fund of the county, and the council of the county shall provide for such payment accordingly. *[Parts omitted (as to police) not applicable to London. See s. 93. See also s. 75, and the Municipal Corporations Act 1882, s. 226 (see Appendix).]* Costs of Justices to be payable out of county fund.

* See Appendix.

Adjustment
of law as
respects costs
ordered by
quarter
sessions or
Justices to
be paid.

67. Any order of a court of quarter sessions, or of any Justices or Justice out of session, for the payment by the county treasurer of costs in criminal proceedings or of costs under the Act of the forty-eighth year of the reign of King George the Third, chapter seventy-five, shall be obeyed by the county treasurer in like manner as heretofore, and the county council shall cause the treasurer, or some other person on his behalf, to attend at every court of quarter sessions for the purpose of paying such sums as may be ordered by the court to be so paid.

Funds of
county
council.

68.—(1.) All receipts of the county council, whether for general or special county purposes, shall be carried to the county fund, and all payments for general or special county purposes shall be made in the first instance out of that fund.

(2.) In this Act the expression “general county purposes” means all purposes declared by this or any other Act to be general county purposes, and all purposes for contributions to which the county council are for the time being authorised by law to assess the whole area of their administrative county, and the expression “general county account” means the account of the county fund to which the contributions so raised are carried, and any costs incurred for a general county purpose shall be general expenses, and all costs incurred by the county council in the execution of their duties which are not by law made special expenses shall be general expenses.

(3.) In this Act the expression “special county purposes” means any purposes from contribution to which any portion of the county is for the time being exempt, and also includes any purposes where the expenditure involved is by law restricted to a hundred, division, or other limited part of the county, and the expression “special county account” means any account of the county fund to which contributions for special county purposes are carried, and any costs incurred for a special county purpose shall be special expenses.

(4.) If the moneys standing to the general county account of the county fund are insufficient to meet the expenditure for general county purposes, county contributions may be levied to meet the deficiency on the whole administrative county, and shall be assessed on all the parishes in the county.

(5.) If the moneys standing to any special county account of the county fund are insufficient to meet the expenditure for the special county purposes chargeable to that account, county contributions may be levied to meet the deficiency on any parishes in the county liable to be assessed to county contributions for those purposes.

(6.) Any precept for county contributions may include as separate items a contribution for general county purposes, and a contribution for any special county purpose or purposes, and subject as in this or any other Act mentioned, county contributions, whether for general or special county purposes, which are liable to be assessed on the parishes, shall be assessed on such parishes in proportion to the annual value thereof, as determined by the standard or basis for the county rate, and all enactments applying to such standard or basis or to county rate shall (save as altered by this Act) apply so far as may be, consistently with the tenor thereof, to county contributions. . . .

(7.) The county council shall keep such accounts as will prevent the whole administrative county from being charged with expenditure properly payable by a portion only of the county, and will prevent any sums raised in a portion only of the county being applied in reduction of expenditure properly payable by the whole or a larger part of the county, and will further secure any such exemption as above in this section mentioned, and will prevent any sums by law specifically applicable to any particular purpose from being applied to any other purpose.

(8.) In determining the amount of expenditure for any particular county purpose, general or special, a proper proportion of the cost of the officers and buildings and establishment of the county council may be added to the expenditure directly expended for that purpose.

(9.) County contributions may be made retrospective in order to raise money for the payment of costs incurred, or having become payable at any time within six months before the demand of the contributions.

[Part omitted (as to boroughs) not applicable to London.]

69.—(1) The county council may from time to time, with the consent of the Local Government Board, borrow, on the security of the county fund, and of any revenues of the council, or on either such fund or revenues, or any part of the revenues, such sums as may be required for the following purposes, or any of them, that is to say ;

- (d) for making advances (which they are hereby authorised to make) to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonisation of inhabitants of the county, with a guarantee for repayment of such advances from any local authority in the county, or the Government of any colony ;

but neither the transfer of powers by this Act nor anything else in this Act shall confer on the county council any power to borrow without the consent above mentioned, and that consent shall dispense with the necessity of obtaining any other consent which may be required by the Acts relating to such borrowing, and the Local Government Board, before giving their consent, shall take into consideration any representation made by any ratepayer or owner of property rated to the county fund.

[Parts omitted (as to borrowing by county councils) not applicable to London. See section 40 (8) and (9).]

70. [As to issue of stock. Not applicable to London. See the London County Council (Money) Acts 1889—1904.]

71.—(1.) The accounts of the receipts and expenditure of county councils shall be made up to the end of each local financial year as defined by this Act, and be in the form for the time being prescribed by the Local Government Board.

(2.) The provisions of the Municipal Corporations Act, 1882,* with respect to the return to the Local Government Board of the accounts of a council of a borough and to the accounts of the treasurer of the borough, and to the inspection and abstract

* See Appendix.

thereof shall apply to the accounts of a county council, and of the treasurer and officers of such council, and the said provisions respecting the return to the Local Government Board shall extend to the return to that Board of a printed copy of the abstract of the said accounts.

(3.) The accounts of a county council and of the county treasurer and officers of such council, shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections two hundred and forty-seven and two hundred and fifty of the Public Health Act 1875,* and those sections and all enactments amending them or applying to audit by district auditors, including the enactments imposing penalties and providing for the recovery of sums, shall apply in like manner as if, so far as they relate to an audit of the accounts of an urban authority and the officers of such authority, they were herein re-enacted with the necessary modifications, and accordingly all ratepayers and owners of property in the county shall have the like rights, and there shall be the same appeal as in the case of such audit. Provided that the First Schedule to the District Auditors Act, 1879, shall be modified in manner described in the Second Schedule to this Act.

38 & 39 Vict.
c. 55.

42 & 43 Vict.
c. 6.

72. [*Adaptation of part v. of the Municipal Corporations Act 1882 as to corporate property and liabilities in boroughs and county boroughs. Not applicable to London.*]

Local Financial Year and Annual Budget.

Fixing of
local financial
year and
consequent
adjustments.

73.—(1.) After the appointed day, not being more than three years after the passing of this Act, the local financial year shall be the twelve months ending the thirty-first day of March, and the accounts of the receipts and expenditure of every county council shall be made up for that year. . . .

(2.) All enactments relating to accounts of local authorities, or the audit thereof, or to returns touching their receipts and expenditure, or to meetings, or other matters, shall be modified so far as is necessary for adapting them to the provisions of this section, and the Local Government Board shall from time to time give such orders and make such arrangements as appear to the Board to be necessary or proper for effecting such adaptation, and giving effect to the provisions of this section.

[*Part omitted (temporary provisions till the appointed day) spent.*]

Annual
budget of
county
councils.

74.—(1.) At the beginning of every local financial year, every county council shall cause to be submitted to them an estimate of the receipts and expenses of such council during that financial year, whether on account of property, contributions, rates, loans, or otherwise.

(2.) The council shall estimate the amount which will require to be raised in the first six months, and in the second six months of the said financial year by means of contributions.

(3.) If at the expiration of the first six months of such financial year it appears to the council that the amount of the contribution or rate estimated at the commencement of the year will be larger than is necessary or will be insufficient, the council may revise the estimate and alter accordingly the amount of the contribution or rate.

* See Appendix.

PART V.

SUPPLEMENTAL.

Application of Acts.

75. For the purpose of the provisions of this Act with respect to county councils, and to the chairmen, members, committees,* and officers of such councils, and otherwise for the purpose of carrying this Act into effect, the following portions of the Municipal Corporations Act, 1882,† namely, Part Two, Part Three, Part Four (as amended by the Municipal Elections (Corrupt Practices) Act, 1884), section one hundred and twenty-four in Part Five, Part Twelve, Part Thirteen, the Second Schedule,‡ Part Two and Part Three of the Third Schedule, and Part One of the Eighth Schedule shall, so far as the same are unrepealed and are consistent with the provisions of this Act, apply as if they were herein re-enacted with the enactments amending the same in such terms and with such modifications as are necessary to make them applicable to the said councils and their chairmen, members, committees, and officers, and to the other provisions of this Act.

Application of
15 & 46 Vict.
c. 50, to
county
councils and
this Act.
47 & 48 Vict.
c. 70.

Provided as follows:—

- (1.) [*Elections of county councillors and borough councillors to be conducted together. Rep. by the County Councils (Elections) Act 1891 (see Appendix).*]
- (2.) Such person as the county council may appoint shall be the returning officer for the election of county councillors of the county council, in substitution for the mayor, and for the aldermen assigned for that purpose by the council.
- (3.) The returning officer, without prejudice to any other power, may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes relating to the election of any such councillor, and may by himself or such deputy exercise any powers and do any things which a returning officer is authorised or required to exercise or do in relation to such election, and shall for the purposes of the election have all the powers of the sheriff.
- (4.) A reference in this Act, or in the enactments applied by this Act, to the returning officer or to the mayor or to the alderman shall, so far as relates to the election of any such councillor, be construed to refer to the returning officer, and any such deputy as above mentioned.
- (5.) A reference in the said enactments to the town clerk so far as respects the election of any such councillor shall be construed to refer to the returning officer or his deputy, and as respects matters subsequent to the election, shall be construed to refer to the clerk of the county council.
- (6.) [*As to returning officers at elections of borough councillors. Rep. by the County Councils (Elections) Act 1891 (see Appendix).*]
- (7.) Some place fixed by the returning officer shall . . . be substituted for the town clerk's office, and, as respects the hearing of objections to nomination papers, for the town hall, but such place shall . . . be in the electoral

* See s. 28 (2).

† See Appendix.

‡ Superseded (as regards the London County Council) by 56 & 57 Vict. c. cccxi.
s. 10.

division or in an adjoining electoral division. [*Part omitted (as to elections in boroughs) not applicable to London.*]

- (8.) The returning officer shall forthwith after the election of county councillors for the county return the names of the persons elected to the clerk of the county council.
- (9.) [*As to period between nomination and election. Rep. by the County Councils (Elections) Act 1891 (see Appendix).*]
- (10.) An outgoing alderman shall not as alderman vote in the election of a chairman.
- (11.) The hours of the poll shall be those fixed by the Elections (Hours of Poll) Act, 1885.
- (12.) Section eleven of the Municipal Corporations Act, 1882, with respect to the qualification of a county councillor by reason of his being entered in the separate non-resident list, shall include, for the purposes of this Act, all persons entered in such separate list in any municipal borough by reason of occupation of property in the borough, and all persons entered in such separate list for any part of a county not in a municipal borough by reason of the occupation of property in that part.
- (13.) [*As to date of election of chairman and county aldermen. Rep. by the County Councils (Elections) Act 1891 (see Appendix).*]
- (14.) Ten days* shall be substituted for five days in section thirty-four of the Municipal Corporations Act, 1882, as the time within which a person elected to a corporate office is to accept that office, and twelve months shall be substituted for six months in section thirty-nine of the said Act, as the period of absence which disqualifies an alderman or councillor.
- (15.) The quorum of the council shall be one-fourth of the whole number of the council. . . . [*Part omitted (substituting for the purposes of this section one-fourth for one-third in par. 10 of the 2nd schedule to the Municipal Corporations Act 1882) not applicable to London. See 56 & 57 Vict. c. cxxi. s. 10.*]
- (16.) Nothing in the Municipal Corporations Act, 1882, as applied by this section—
 - (a) shall alter the application of any fine, penalty, or forfeiture recoverable in a summary manner; or
 - (b) shall apply any of the provisions of the Municipal Corporations Act, 1882, with reference to boundaries or the alteration of wards or borough auditors, nor any of the following provisions, namely, sub-section five of section fifteen, section sixteen, section two hundred and fifty-one, or section two hundred and fifty-seven; or
 - (c) shall render any person elected to a corporate office without his consent to his nomination being previously obtained liable to pay a fine on non-acceptance of office, or render a chairman or deputy chairman disqualified as such by reason of absence; or
 - (d) [*Casual vacancies within 6 months of new election not to be filled. Rep. by the County Councils (Elections) Act 1891 (see Appendix).*]

* Now three months. See the County Councils (Elections) Act 1891, s. 5 (see Appendix).

- (e) shall apply to a county council section seventeen of the said Act with respect to the town clerk, nor, unless the county council so resolve,* section eighteen respecting the treasurer, but, if the county council so resolve,* section eighteen shall supersede the existing enactments with respect to the county treasurer; or
- (f) shall require the acts and proceedings of the standing joint committee of the county council and quarter sessions to be submitted to the county council for their approval; or
- (g) shall prevent the use of schools and public rooms for the purpose of taking the poll at elections under this Act, but section six of the Ballot Act, 1872, shall apply in the case of elections under this Act, and the returning officer may, in addition to using such rooms free of charge for taking the poll, use the same free of charge for hearing objections to nomination papers and for counting votes.
- (17.) All costs properly incurred in relation to the holding of elections of councillors of county councils, so far as not otherwise provided for by law, shall be paid out of the county fund as general expenses.
- (18.) The said costs shall not exceed those allowed by Part I. of the First Schedule to the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act, 1885, or by such scale as the county council may from time to time frame. 35 & 36 Vict. c. 33.
- (19.) Sections four, five, six, and seven of the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act (1875) Amendment Act, 1886, shall apply as if they were herein re-enacted with the necessary modifications, and in particular with the substitution of the county council for the person from whom payment is claimed, and of one month for the period of fourteen days within which application may be made for taxation. 38 & 39 Vict. c. 84.
18 & 19 Vict. c. 62.
- (20.) A county council shall, on the request of the returning officer, prior to a poll being taken at any election of a councillor of such council, advance to him such sum not exceeding ten pounds for every thousand electors at the election as he may require.
- (21.) The meeting of a county council, or of any committee thereof, may be held at such place either within or without their county, as the council from time to time direct.

76.—(1.) The provisions of section four of the County Electors Act, 1888, with respect to the framing of the lists and register of voters in parts shall extend to parishes situate within a parliamentary borough. Amendment of 51 & 52 Vict. c. 10.

(2.) [*As to application of certain provisions of s. 4 of the County Electors Act 1888. Not applicable to London.*]

(3.) The names of the parliamentary electors and county electors in the lists in each polling district may be numbered consecutively, and such portion of those lists as consists of the names of parliamentary electors may be taken to form the register for the purpose of parliamentary elections, and such portion of those lists as

* The London County Council so resolved on 7th May, 1889.

contains the names of county electors may be taken to form the register of county electors.

(4.) For the purpose of the provisions of the Acts relating to the appointment of revising barristers, and of section nine of the County Electors Act, 1888, the county of Surrey and such portion of the county of London as is situate south of the Thames shall be deemed to be separate counties forming part of the south-eastern circuit; and such portion of the administrative county of London as is situate north of the Thames shall be deemed to form part of the county of Middlesex; and the county of Middlesex, inclusive of that portion, shall be deemed to be a separate county on a circuit; but any sum payable by the London County Council in respect of either of the said portions of the county, shall be paid as for a general county purpose.

(5.) [*As to payments under the County Electors Act 1888 in 1888. Spent.*]

(6.) [*Section 12 of the County Electors Act 1888 not to apply to persons occupying property within a borough. Not applicable to London.*]

(7.) It shall be lawful for Her Majesty the Queen, by Order in Council,* from time to time to alter the instructions, precepts, notices, and forms under the Registration of Electors Acts, in such manner as appears to Her Majesty necessary for carrying into effect this Act and the County Electors Act, 1888, and any other Act for the time being in force amending or affecting the Acts mentioned in this sub-section, and the instructions, precepts, notices, and forms specified in any such Order in Council shall be observed and be valid in law, and clerks of the peace, and town clerks, and other officers shall act accordingly.

(8.) [*As to appeal from revising barristers in 1888. Spent.*]

Residential qualification of county electors in administrative county of London.

Construction of Acts referring to business transferred.

77. A person who is entitled to be registered as a county elector in respect of any qualification in the administrative county of London, in all respects except that of residence, and is resident beyond seven miles but within fifteen miles of the county, shall be entitled to be registered as a county elector.

78.—(1.) All enactments in any Act, whether general or local and personal, relating to any business, powers, duties or liabilities transferred by or in pursuance of this Act from any authority to a county council, either alone or jointly with the quarter sessions, or to any joint committee, shall, subject to the provisions of this Act, and so far as circumstances admit, be construed as if—

(a.) any reference therein to the said authority or to any committee or member thereof or to any meeting thereof (so far as it relates to the business, powers, duties, or liabilities transferred) referred to the county council or to a committee or member thereof or to a meeting thereof, as the case requires, and as if—

(b.) a reference to any clerk or officer of such authority referred to the clerk or officer of a county council or committee thereof, as the case requires, and all the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

(2.) Provided that the transfer of powers and duties enacted by this Act shall not authorise any county council or any committee or member thereof—

* See "The Registration Order 1895" made under this sub-section.

- (a.) to exercise any of the powers of a court of record ; or
- (b.) to administer an oath ; or
- (c.) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as Justices or a Justice of the Peace ;

but this enactment shall be without prejudice to the position of the chairman of the county council as Justice of the Peace during his term of office.

(3.) Where under any such enactment as in this section mentioned, any powers, duties, or liabilities are to be exercised or discharged after any presentment or in any particular manner, or at any particular meeting, or subject to any other conditions, the county council may, by the standing orders for the regulation of their proceedings, provide for the exercise and discharge of those powers, duties, and liabilities without any such prior presentment or in a different manner, or at any meeting of the council fixed by the standing orders,* or without such other conditions ; and until such standing orders take effect shall exercise and discharge them in the like manner, and at the like time, and subject to the like conditions, so nearly as circumstances admit ; and a presentment by a grand jury in relation to any such powers, duties, or liabilities, shall cease to be made otherwise than by way of indictment.

(4.) For the purposes of this section the expression " authority " means a Secretary of State, the Board of Trade, the Local Government Board, and any Government Department, also any commissioners, conservators, or public body, corporate or unincorporate, specified in a Provisional Order transferring any powers, duties, or liabilities to the county council, also any quarter sessions and any Justices, also the Metropolitan Board of Works, or other local authority mentioned in this Act ; and the expression " member of an authority " includes, where the authority are quarter sessions or Justices, any Justice, and the expression " meeting of an authority " includes a court of quarter sessions and the assembly of Justices in special or petty sessions ; and the expression " clerk of an authority " includes in relation to any quarter sessions or Justices, the clerk of the peace or the clerk to a Justice as the case requires.

This section shall apply as if a joint committee were a committee of the county council.

Proceedings of Councils and Committees.

79.—(1.) The council of each county shall be a body corporate by the name of the county council with the addition of the name of the administrative county, and shall have perpetual succession and a common seal and power to acquire and hold land for the purposes of their constitution without licence in mortmain.

Incorporation
of county
council.

(2.) All duties and liabilities of the inhabitants of a county shall become and be duties and liabilities of the council of such county.

(3.) Where any enactment (whether relating to lunatic asylums or bridges, or other county purposes, or to quarter sessions, requires or authorises land to be conveyed or granted to, or any contract or agreement to be made in the name of, the clerk of the peace, or any Justice or Justices or other person, on behalf of the county or quarter sessions, or Justices of the county, such land shall be conveyed or granted to, and such contract and agreement shall be made with, the council of the administrative county concerned.

* See 56 & 57 Vict. c. cexi, s. 10, and schedule.

Payments out of fund and finance committee of county council.

80.—(1.) All payments to and out of the county fund shall be made to and by the county treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of an Act of Parliament or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council and countersigned by the clerk of the council, and the same order may include several payments. Moreover all cheques for payment of moneys issued in pursuance of such order shall be countersigned by the clerk of the council or by a deputy approved by the council.

(2.) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs, according to the judgment and discretion of the court.

(3.) Every county council shall from time to time appoint a finance committee for regulating and controlling the finance of their county; and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not be made by a county council, except in pursuance of a resolution of the council passed on the recommendation of the finance committee, and (subject to the provisions of this Act respecting the standing joint committee) any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee.

(4.) The notice of the meeting at which any resolution for the payment of a sum out of the county fund (otherwise than for ordinary periodical payments), or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred.

(5.) [*This section not to apply to county boroughs. Not applicable to London.*]

Appointment of joint committees.

81.—(1.) Any county council or councils, and any court or courts of quarter sessions, may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.

(2.) Any council or court taking part in the appointment of any joint committee under this section, may from time to time delegate to the committee any power which such council or court might exercise for the purpose for which the committee is appointed.

(3.) Provided that nothing in this section shall authorise a council to delegate to a committee any power of making a rate or borrowing any money.

(4.) Subject to the terms of delegation, any such joint committee shall, in respect of any matter delegated to it, have the same power in all respects as the councils and courts appointing it, or any of them, as the case may be.

(5.) The members of a joint committee appointed under this Act shall be appointed at such times and in such manner as may be from time to time fixed by the council or court who appointed them, and shall hold office for such time as may be fixed by the council or court who appointed them, so that where any members of the committee were appointed by the county council, such committee do not continue for more than three months after any triennial election of councillors of such county council.

(6.) The costs of a joint committee shall be defrayed by the

council by whom any of its members were appointed, or if appointed by more than one council in the proportion agreed to by them : and the accounts of such joint committee and their officers shall, for the purposes of the provisions of this Act, be deemed to be accounts of the county council and their officers.

(7.) [*Application of section to county boroughs. Not applicable to London.*]

(8.) This section shall apply to the standing joint committees.

82.—(1.) A county council appointing under this Act any committee may from time to time make, vary, and revoke regulations respecting the quorum and proceedings of such committee, and as to the area (if any) within which it is to exercise its authority : and subject to such regulations the proceedings and quorum and the place of meeting whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a second or casting vote.

Proceedings
of com-
mittees.

(2.) Every committee shall report its proceedings to the council by whom it was appointed, but to the extent to which the council so direct, the acts and proceedings of the committee shall not be required by the provisions of the Municipal Corporations Act, 1882, to be submitted to the council for their approval.

(3.) In the case of a joint committee the councils and courts appointing the joint committee shall jointly have the powers given by this section, and the provisions of this section shall apply accordingly.

Officers.

83. Subject to the provisions of this Act for the protection of clerks of the peace holding office at the passing of this Act, the following provisions shall have effect :—

Clerk of the
peace and
of county
council.

(1.) The clerk of the peace of a county, besides acting as clerk of the peace of that county, shall also (subject to the provisions of this Act as respects particular counties) be the clerk of the county council, and in that capacity is referred to in this Act as the clerk of the county council. [*See sub-s. 11.*]

(2.) He shall be from time to time appointed by the standing joint committee of the county council and the quarter sessions, and may be removed by that joint committee.

(3.) [*Clerk of the peace to be responsible for records and documents of the county. Not applicable to London. See sub-s. 11 (a).*]

(4.) The joint committee may appoint a deputy clerk to hold office during their pleasure, and to act in lieu of such clerk in case of his death, illness, or absence, or in such other cases as may be determined by the joint committee, and wherever the deputy so acts, all things authorised or required to be done by, to, or before the clerk of the peace, or clerk of the county council, may be done by, to, or before any such deputy : without prejudice to the appointment of a deputy clerk for the purpose of a second court on the division of the court of quarter sessions for judicial business. [*See sub-s. 11 (b).*]

(5.) The council shall pay to the clerk of the peace in respect of his services as clerk of the peace and as clerk of the county

council, such salary as may be from time to time fixed under the enactments relating thereto, and all fees and costs payable to the clerk of the peace which are not excluded when the salary of the clerk of the peace is fixed shall be paid to the county fund, and for the purpose of the enactments relating to such salary and fees, the standing joint committee of the county council and the quarter sessions shall be substituted for the quarter sessions and the local authority respectively.

- (6.) The clerk of the peace, when acting in relation to any business of the county council, and when acting under the Acts relating to the registration of parliamentary voters, or to the deposit of plans or documents, or to jury lists, or to any registration matters, shall act under the direction of the county council, and all enactments relating to such business, registration, or deposit, shall be construed as if clerk of the county council were therein substituted for clerk of the peace.
-
- (11.) The clerk of the peace for the county of London shall be a separate officer from the clerk of the county council for the administrative county of London, and
- (a) the clerk of the peace shall, subject to the directions of the quarter sessions, have charge of and be responsible for the records and documents of those sessions and of the Justices out of session, and the clerk of the county council shall, subject to the directions of the council, have charge of and be responsible for all other documents of the county ; and
- (b) the council may from time to time appoint a deputy clerk of the council, and the foregoing provisions of this section with respect to the deputy clerk shall apply ; and
- (c) the council shall pay to the clerk of the council such salary as may be from time to time fixed by them.
- (12.) The county council shall cause their clerk or other officer from time to time to send to a Secretary of State or the Local Government Board such returns and information as may from time to time be required by either House of Parliament.
- (13.) Provided always, that no paid clerk or other paid official in the permanent employment of a county council who is required to devote his whole time to such employment shall be eligible to serve in Parliament.

[*Part omitted (special provisions as to counties other than London).*]

Appointment
of the
Justices'
clerks and
clerks of
committees.

84. (1.)—The salaried clerk of every petty sessional division shall be from time to time appointed, and removed, as heretofore. [*See the Justices Clerks Act 1877, s. 5.*]

(2.) The county council shall pay to the salaried clerks of petty sessional divisions such salaries as may be fixed under the enactments relating to those clerks, and all fees and costs payable to such clerks which are not excluded in the fixing of their salaries shall be paid into the county fund, and in the enactments relating to such salaries and fees the standing joint committee shall be substituted for the quarter sessions Justices and the local authority respectively.

Regulations for Bicycles, etc.

85.—(1.) The provisions of section twenty-six, sub-section five, of the Highways and Locomotives (Amendment) Act, 1878, and section twenty-three, sub-section one, of the Municipal Corporations Act, 1882, in so far as it gives power to the council to make bye-laws regulating the use of carriages herein referred to, and all other provisions of any public or private Acts, in so far as they give power to any local authority to make bye-laws for regulating the use of bicycles, tricycles, velocipedes, and other similar machines, are hereby repealed, and bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the Highway Acts; and the following additional regulations shall be observed by any person or persons riding or being upon such carriage:—

Regulations
for bicycles,
etc.

(a.) During the period between one hour after sunset and one hour before sunrise, every person riding or being upon such carriage shall carry attached to the carriage a lamp, which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted, as to afford adequate means of signalling the approach or position of the carriage;

(b.) Upon overtaking any cart or carriage, or any horse, mule, or other beast of burden, or any foot passenger, being on or proceeding along the carriage way, every such person shall within a reasonable distance from and before passing such cart or carriage, horse, mule, or other beast of burden, or such foot passenger, by sounding a bell or whistle, or otherwise, give audible and sufficient warning of the approach of the carriage.

(2.) Any person summarily convicted of offending against the regulations made by this section, shall for each and every such offence, forfeit and pay any sum not exceeding forty shillings.

Adaptation of Acts.

86. For the purpose of adapting the Acts relating to pauper lunatic asylums to the provisions of this Act, the following provisions shall have effect:—

Adaptation
of Lunatic
Asylum Acts.

(5.) Any asylum provided in whole or in part at the cost of a county shall for the purposes of this Act be included in the expression "county lunatic asylum."

[Parts omitted (as to the adaptation of the Lunatic Asylum Acts to the provisions of this Act) rep. by the Lunacy Act 1890, s. 342.]

87.—(1.) Where the Local Government Board are authorised by this Act to make any inquiry, to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, sanction, or approval to any matter, or otherwise to act under this Act, they may cause to be made a local inquiry, and in that case, and also in a case where they are required by this Act to cause to be made a local inquiry, sections two hundred and ninety-three to two hundred and ninety-six,* both inclusive, of the Public Health Act, 1875, shall apply as if they were herein re-enacted, and in terms made applicable to this Act.

Application
of provisions
of 38 & 39
Vict. c. 55
as to local
inquiries and
provisional
orders.

* See 54 & 55 Vict. c. 76, 1st schedule.

(2.) Sections two hundred and ninety-seven and two hundred and ninety-eight* of the Public Health Act, 1875 (which relate to the making of provisional orders by the Local Government Board), shall apply for the purposes of this Act as if they were herein re-enacted, and in terms made applicable thereto.

(3.) Provided that, where a provisional order transfers to county councils generally any powers, duties, or liabilities of Her Majesty's Privy Council, a Secretary of State, the Local Government Board, or other Government department, it shall not be necessary to hold a local inquiry nor to advertise in any local newspaper.

(4.) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Local Government Board.

(5.) Where the Board cause any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the salary of any inspector or officer of the Board engaged in such inquiry, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Board may direct, and the Board may certify the amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any council or authority shall be a debt to the Crown from such council or authority.

Adaptation
of Act to
metropolis.

88. In the administrative county of London the following provisions shall have effect :

(a.) The county council may from time to time appoint any fit person to be deputy chairman, and to hold office during the term of office of the chairman, and may pay to such deputy chairman such remuneration as the county council may from time to time think fit ;

(b.) Subject to any rules from time to time made by the county council, anything authorised or required to be done by, to, or before the chairman, may be done by, to, or before such deputy chairman.

[Part omitted (applying s. 191 of the Public Health Act 1875 to the Metropolis and as to medical officer of health) rep. 54 & 55 Vict. c. 76, s. 142.]

Adjustment
of law as
regards
courts, juries,
sittings, and
legal proceed-
ings in
Middlesex
and London.
4 & 5 Will. 4.
c. 36.
6 Geo. 4. c. 50.

89.—(1.) The Central Criminal Court Act, 1834, shall be construed as if the county of London were throughout mentioned therein as well as the county of Middlesex.

(2.) The County Juries Act, 1825, and the Acts amending the same, shall apply to the county of London in like manner as they apply to the county of Middlesex, and persons shall be qualified to serve as jurors, and lists of jurors shall be made out in like manner, so nearly as circumstances admit, as in that county ; and the present exemption of inhabitants of the liberty and city of Westminster from serving on juries at quarter sessions for the county of Middlesex shall cease ; but nothing in this section shall alter the qualification of persons to serve as jurors within the city of London.

(3.) Subject to rules of court made by the authority having power to make rules for the Supreme Court of Judicature, the county of London and the county of Middlesex shall be deemed to be one

* See Appendix.

county for the purpose of all legal proceedings, civil or criminal, in the Supreme Court or Central Criminal Court, or any other court except the court of quarter sessions, and also for the purpose of the sittings of the Supreme Court, Central Criminal Court, or such other court as aforesaid, or of any judge of any of such courts, and also for the purpose of any jury, and of any court of assize, oyer and terminer, and gaol delivery; and all enactments, rules, orders, and documents referring to Middlesex shall be construed so as to give effect to this section; and rules of court may be from time to time made for the purpose of carrying this section into effect, and for regulating the issue of precepts to the sheriffs of the counties of London and Middlesex for the return of jurors, and the jurors so returned shall have the same powers, duties, and liabilities as if the two counties were one county.

90. [*In the adjustment between the counties of Surrey and Middlesex and London, the annual sums payable by Surrey and Middlesex in respect of certain bridges in pursuance of the Metropolis Toll Bridges Act 1877 were to be deemed liabilities and to be considered upon such adjustment. Spent.*]

91. The Acts relating to the general and local militia of the rest of England and Wales shall apply to the whole of the county of London in like manner as they apply to any county at large; and accordingly Her Majesty shall from time to time appoint a lieutenant of the county of London, provided that nothing in this section shall affect section fifty of the Militia Act, 1882.

Adjustment
as regards the
Militia Acts.

45 & 46 Vict.
c. 49.

Savings.

92.—(1.) Nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary borough or parliamentary county, or the right of any person to be registered as a voter at any parliamentary election.

Saving for
votes at any
parlia-
mentary
elections.

(2.) Where by virtue of the provisions of this Act with respect to the county of London . . . a place situate in a parliamentary county becomes part of the county of a council other than the council having authority over the largest part of the parliamentary county, that is to say, the part which contains the largest number of occupation voters, then, for the purpose of making out and revising the lists of voters, of conducting any parliamentary election, of polling districts, and assigning polling places, and for all purposes of and incidental to such matters, including the payment of expenses, such place shall be deemed to be part of the same county as the said largest part of the said parliamentary county, and the sheriff, council, clerk of the peace,* authorities, and officers of that county shall have authority accordingly in the said place, and the provisions of the Registration Act, 1885, with respect to parliamentary counties extending into more county quarter sessional areas than one, shall apply with the necessary modifications.

48 & 49 Vict.
c. 15.

(3.) Provided that the clerk of the peace* who receives from the revising barrister the lists of voters in any such place shall supply to any other clerk of the peace* or other officer such number of revised lists as he may require for the purpose of making up a register of county electors.

[*Part omitted (as to certain urban sanitary districts) not applicable to London.*]

* See the County Electors Act 1888, s. 14. (See Appendix.)

Saving for Metropolitan and City Police.

93.—(1.) Nothing in this Act shall alter the metropolitan police district, nor (save as is expressly provided with respect to contributions in substitution for local grants) affect the Metropolitan Police Force, or the raising of money for the same, and nothing in this Act shall affect the police of the city of London.

49 & 50 Vict. c. 38.

(2.) Nothing in this Act shall authorise any county council to raise any sum for the purposes of any police force by any contribution or rate levied within the metropolitan police district; and nothing in this Act shall alter the authority under the Riot (Damages) Act, 1886, within the metropolitan police district or the city of London.

Saving for Metropolitan Common Poor Fund.

94. The grant made by the County Council of London in respect of indoor paupers shall be in addition to any payment made out of the Metropolitan Common Poor Fund, and nothing in this Act shall affect the enactments relating to the fund. [*See s. 43, and 30 & 31 Vict. c. 6, ss. 66 and 72.*]

Saving as to Middlesex, Surrey, and Kent.

95.—(1.) Any enactment providing that any magistrate, commissioner, or other officer shall be a Justice of the Peace for Middlesex, shall be construed to refer to the county of London as well as the county of Middlesex.

(2.) Where any enactment, deed, instrument, or document refers to the county of Middlesex, Surrey, or Kent, such enactment, deed, instrument, or document shall be construed to apply to the same area to which it would have applied if this Act had not passed, except where such application is inconsistent with this Act, or where the object of such enactment, deed, instrument, or document requires that it shall be construed to apply to the county of London.

Saving for Middlesex Land Registry.

96. Nothing in this Act shall alter the area to which the enactments relating to the registration of land in the county of Middlesex apply, and any reference in those enactments or in any deed, instrument, or document made or issued under or for the purpose of those enactments, to the county of Middlesex, shall be construed to apply to the same area to which it would have applied if this Act had not passed.

Saving as to liability for main roads.

97. Nothing in this Act with respect to main roads shall alter the liability of any person or body of persons, corporate or unincorporate, not being a highway authority, to maintain and repair any road or part of a road.

Saving for powers of Commissioners of Inland Revenue and Customs.

98. Notwithstanding anything in the foregoing sections of this Act, the Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of those Commissioners respectively, shall have the same powers in relation to any articles subject to any duty of customs or excise, manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyances used in connexion therewith or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, or having the custody of the same, as they would have had if this Act had not passed, and any licences transferred in pursuance of this Act had continued to be granted by the Commissioners of Inland Revenue.

Definitions.

Definition of "written."

99. All notices and documents required by this Act to be in writing may be in writing or print, or partly in writing and partly

in print, and for the purposes of this section "print" includes any mechanical mode of reproduction. [*See also the Interpretation Act 1889, s. 20.*]

100. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say:

Interpretation of certain terms in the Act.

The expression "county" does not include a county of a city or county of a town:

The expression "entire county" means, in the case of a county divided into administrative counties, the whole of the county formed by those administrative counties:

The expression "division of a county," in the provisions of this Act respecting the property of quarter sessions, includes any hundred, lathe, wapentake, or other like division:

The expression "administrative county," means the area for which a county council is elected in pursuance of this Act, but does not (except where expressly mentioned) include a county borough:

The expression "metropolis" means the city of London and the parishes and places mentioned in Schedules A., B., and C. to the Metropolis Management Act, 1855, as amended by subsequent Acts: 18 & 19 Vict. c. 120.

[*The expression "borough" means any place for the time being subject to the Municipal Corporations Act, 1882, and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city:*

The expression "quarter sessions borough" means a borough having a separate court of quarter sessions and includes a county of a city and a county of a town, subject to the Municipal Corporations Act, 1882:]

The expression "quarter sessions" as respects any county, riding, division, or liberty, means the Justices in quarter or general sessions assembled, and includes Justices assembled in gaol sessions, annual general sessions, and adjourned sessions, *and as respects any borough, means any court of quarter or general sessions held for the borough or for any county of a city or town consisting of the borough, whether held by the recorder or by Justices, and as respects the city of London, means the court of the mayor and aldermen in the inner chamber:*

The expression "parish" means a place for which a separate overseer is or can be appointed, and where part of a parish is situate within, and part of it without, any county, borough, urban sanitary district, or other area, means each such part:

The expressions "parliamentary county," and "parliamentary election," and "parliamentary voters," have the same meaning as in the Registration Act, 1885, and the Acts therein referred to: 18 & 49 Vict. c. 15.

The expression "Secretary of State" means one of Her Majesty's principal Secretaries of State:

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "Bank of England" means the Governor and Company of the Bank of England:

The expression "existing" means existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the day appointed to be for the purpose of such enactment the appointed day :

4 & 5 W. 4.
c. 76.

The expression "guardians" means guardians elected under the Poor Law Amendment Act, 1834, and the Acts amending the same, and includes guardians or other bodies of persons performing under any local Act the like functions to guardians under the Poor Law Amendment Act, 1834 :

The expression "poor law union" means any parish or union of parishes for which there is a separate board of guardians :

The expressions "district council" and "county district" mean respectively any district council established for purposes of local government under an Act of any future session of Parliament, and the district under the management of such council, and until such council is established, mean respectively—

(a.) as regards the provisions of this Act relating to highways and main roads, a highway authority and highway area ; and

38 & 39 Vict.
c. 55.

(b.) save as aforesaid, an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and the district of such authority :

The expression "highway area," means, as the case may require, an urban sanitary district, a highway district, or a highway parish not included within any highway or urban sanitary district :

The expression "highway authority" means, as respects an urban sanitary district, the urban sanitary authority, and as respects a highway district, the highway board, or authority having the powers of a highway board, and as respects a highway parish, the surveyor or surveyors of highways or other officers performing similar duties :

The expression "urban authority" means, until the establishment of district councils as aforesaid, an urban sanitary authority ; and after their establishment, the district council of an urban county district :

[The expression "*rural authority*" means, until the establishment of district councils as aforesaid, a rural sanitary authority ; and, after their establishment, the district council of a rural county district :]

The expression "person" includes any body of persons, whether corporate or unincorporate : [See also the Interpretation Act 1889, s. 19.]

Any expression referring to the value of any parish, borough, or area as ascertained by the standard or basis for the county rate or contributions shall, where any rateable value has been fixed by agreement between the councils of any county and county boroughs be that value, and subject thereto shall, in the case of any parish, borough, or area for which there is no such standard or basis, refer to the total rateable value as determined by the last valuation lists, or if there is no valuation list, by the last poor rates for such parish or the parishes comprised in such borough or area ; and where an area is authorised or directed by this Act to be assessed to any contributions or rates, the same shall, unless otherwise

provided by law, be assessed according to the standard or basis for the county rate :

The expression "property" includes all property, real and personal, and all estates, interests, easements, and rights, whether equitable or legal, in, to, and out of property real and personal, including things in action, and registers, books, and documents; and when used in relation to any quarter sessions, clerk of the peace, Justices, board, sanitary authority, or other authority, includes any property which on the appointed day belongs to, or is vested in, or held in trust for, or would but for this Act have, on or after that day, belonged to, or been vested in, or held in trust for, such quarter sessions, clerk of the peace, Justices, board, sanitary authority, or other authority : . . . [*Part omitted is special to the county of Chester.*]

The expression "powers" includes rights, jurisdiction, capacities, privileges, and immunities :

The expression "duties" includes responsibilities and obligations :

The expression "liabilities" includes liability to any proceeding for enforcing any duty or for punishing the breach of any duty, and includes all debts and liabilities to which any authority are or would but for this Act be liable or subject to, whether accrued due at the date of the transfer or subsequently accruing, and includes any obligation to carry or apply any money to any sinking fund or to any particular purpose :

The expression "powers, duties, and liabilities," includes all powers, duties, and liabilities conferred or imposed by or arising under any local and personal Act :

The expression "expenses" includes cost and charges :

The expression "costs" includes charges and expenses :

The costs of assizes and of quarter and petty sessions include such of the following costs as are applicable, that is to say, the costs of maintaining and providing the courts and offices and the Judge's lodgings, the salaries and remuneration of a chairman of quarter sessions, clerks of assize, clerks of the peace, clerks of the Justices, and other officers, the costs of the jury lists, the costs of rewards ordered to be paid by the court, the costs of prosecutions including the costs of the defendant's witnesses, and all other costs incidental to the assizes, quarter sessions, petty sessions, or the Judges : . . . [*Part omitted (as to quarter sessions boroughs) not applicable to London.*]

The expression "assizes" includes the Central Criminal Court :

The expression "pension" includes any superannuation allowance, gratuity, or other payment made on the retirement of any officer :

The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly :

The expression "main road" when used in relation to the district of any highway or road authority, means so much of the main road as is situate within the district of such authority.

In relation to the election of county councillors, the day of nomination shall be deemed to be the day on which the names of the persons nominated are fixed on the Town Hall or other conspicuous place.

[*Parts in italics and parts omitted (definitions of "divisions of Lincolnshire" and of "County and Borough Police Act 1856") not applicable to London.*]

Extent of
Act.

101. This Act shall not extend to Scotland or Ireland.

Short title.

102. This Act may be cited as the Local Government Act, 1888.

PART VI.

TRANSITORY PROVISIONS.

103—108. [*As to first election of county councillors—Retirement of first county councillors—First proceedings of provisional council—Casual vacancies at first election—Power of Local Government Board to remedy defects. Spent.*]

Appointed Day.

Appointed
day.

109.—(1.) Subject as in this Act mentioned, the appointed day for the purposes of this Act shall in each county be the first day of April next after the passing thereof, or such other day, earlier or later, as the Local Government Board (but after the election of county councillors for such county on the application of the provisional council or county council) may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections or for different counties.

(2.) Any enactment of this Act authorising anything to be done by the Commissioners of Inland Revenue or the Local Government Board, or relating to the registration of electors, or to the elections, or to any matter required to be done for the purpose of bringing this Act into operation on the appointed day, shall come into effect on the passing of this Act; but, save as aforesaid, and save so far as there may be anything in the context inconsistent therewith, any enactment of this Act shall come into operation on the appointed day.

110—112. [*Transitional proceedings as to current rates and jury lists, lunatic asylums, and the Contagious Diseases (Animals) Acts. Spent.*]

113. [*Transitory provisions as to the sheriffs of London and Middlesex. Spent.*]

114. [*As to existing coroners for Middlesex, Surrey, and Kent. Spent. See Orders in Council dated 25th August 1892 and 21st May 1894.*]

As to com-
mission of
the peace for
London.

115. (5.) The fees payable to the clerk of the peace and clerks of the Justices, and other officers and authorities in Middlesex, at the passing of this Act, shall be the first fees which may be taken in the county of London by the clerk of the peace, the clerks to the Justices, and other officers and authorities in the county of London, and may continue to be taken until they are abolished or altered in manner provided by law with respect to the abolition and alteration of such fees.

[*Part omitted (as to commission of the peace for London) superseded by Order of the Secretary of State, dated 24th March 1892.*]

116. [*As to places for holding quarter sessions. Superseded. See s. 42 (7) and Scheme thereunder approved by the Secretary of State on the 24th March 1892.*]

117.—(1.) Nothing in this Act shall prevent a person who is an existing Justice of the Peace for any of the counties of Middlesex, Surrey, or Kent, from continuing to be a Justice of the Peace for that county, and every such person and also every person who at the appointed day is a Justice of the Peace for the liberty and city of Westminster, the liberty of the Tower of London, or any liberty which by virtue of this Act becomes part of the county of London, shall, if and so long as he is resident or occupies property in the county of London, be a Justice of the Peace for that county in like manner as if he were assigned by a commission of the peace, but a person shall not after the passing of this Act be named in any commission as a Justice of the Peace for any liberty which by virtue of this Act becomes part of the county of London.

As to existing Justices in metropolis.

(2.) Provided always, that the provisions of this section shall not apply to any Justice of the Peace of the counties of Surrey, Kent, or Middlesex, or either of them, so long as he shall hold any office connected with any court of quarter sessions of the county of London.

(3.) [*As to existing visiting committees of prisons in the county of London. Spent.*]

(4.) Where a person is a Justice of the Peace in and for the county of London by reason of his being personally declared by this Act to be a Justice of the Peace in and for the county of London, the Lord High Chancellor shall have the same power of removing such person from being a Justice of the Peace as if he were named in a commission of the peace.

(5.) [*Assistant Judge of the sessions of the peace for Middlesex to be the first chairman of London Quarter Sessions. Spent.*]

(6.) Nothing in this Act shall affect existing deputy lieutenants appointed by the Constable of the Tower of London as Lord Lieutenant of the Tower Hamlets.

Existing Officers.

118.—(1.) A person holding office at the appointed day as clerk of the peace of a county, . . . if appointed before the passing of this Act shall, notwithstanding anything in this Act, hold his offices by the same tenure and have the same power of appointing and acting by a deputy as heretofore in his capacity of clerk of the peace. [*Part omitted (existing clerks of the peace of counties to be clerks of the county councils) not applicable to London. See s. 83 (11).*]

Existing clerks of the peace and other officers.

(2.) A person holding office at the passing of this Act as clerk of the peace, clerk of the general assessment sessions, or salaried clerk of a petty sessional division, shall be deemed to be an existing officer within the meaning of the provisions of this Act relating to compensation to existing officers who suffer pecuniary loss.

(3.)—(7.) [*As to Clerks of the Peace for Sussex, Suffolk, and Lancaster.*]

(8.) The person who, at the appointed day, is Clerk of the Peace for Middlesex, if he held office at the passing of this Act, shall continue to be that clerk, and, subject to the provisions of this Act, shall also be the first Clerk of the Peace for the county of London, and shall, notwithstanding anything in this Act, hold the office of clerk of the peace for each of the said counties by the same tenure and have the same power of appointing and acting by a deputy as heretofore.

(9.) [*As to the Clerks of Gaol Sessions in Yorkshire and Lincolnshire.*]

(10.) [*As to existing Clerk of the Peace for Surrey. Spent.*]

(11.) The persons who at the appointed day are salaried clerks for the petty sessional divisions, wholly or in part in the county of London shall, if appointed before the passing of this Act, be as to so much of such divisions as are in the county of London, the first salaried clerks of the petty sessional divisions of the county of London, and as to so much of such divisions as are not in the county of London, such persons shall also be the first salaried clerks of the petty sessional divisions of the counties in which such parts are situate.

(12.) In the case of any of the following persons who, by virtue of this Act, become Clerk of the Peace for the county of London or salaried clerks of petty sessional divisions for the county of London, . . . their services as such clerks after the appointed day in the county of London, . . . shall be deemed to be a continuous service with their service as clerks of the peace and clerks of petty sessional divisions in the counties of Middlesex, Surrey, and Kent respectively. . . . [*Parts omitted relate specially to the existing clerks of the peace for Surrey, Sussex, and Suffolk.*]

(13.) All persons who at the appointed day hold office as county treasurer, . . . county solicitor, or county surveyor, or are officers (whether inspectors of weights and measures, . . . or other) of the quarter sessions or Justices of the county, or of the assessment sessions in the metropolis, or any committee of such Justices or any committee of visitors for lunatic asylums, or are servants under such sessions or Justices and perform any duties in respect of the business transferred by or in pursuance of this Act to the county council, shall become the officers and servants of the county council. [*Parts omitted (as to county auditor, public analysts, inspectors of petroleum and explosives) not applicable to London.*]

(14.) All persons who at the appointed day are officers and servants of the Metropolitan Board of Works shall become the officers and servants of the London County Council.

(15.)—(16.) [*As to police. Not applicable to London. See s. 93.*]

As to officers
transferred
to county
councils.

119.—(1.) The officers and servants of the quarter sessions or general assessment sessions, or Justices, or any committee of such sessions or Justices, or of any committee of visitors for lunatic asylums, or of the Metropolitan Board of Works, or other authority, who held office at the passing of this Act, and who by virtue of this Act become officers and servants of a county council (in this Act referred to as existing officers), shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not passed, and while performing the same duties, shall receive not less salaries or remuneration, and be entitled to not less pensions (if any), than they would have if this Act had not passed, and where any such officer can only be removed with the consent of a Secretary of State or the Local Government Board, such consent shall be part of the tenure of his office.

(2.) The county council may distribute the business to be performed by existing officers in such manner as the council may think just, and every existing officer shall perform such duties in relation to that business as may be directed by the council.

(3.) The county council may abolish the office of any existing

officer whose office they may deem unnecessary, but such officer shall be entitled to compensation under this Act.

(4.) [*As to police. Not applicable to London. See s. 93.*]

120.—(1.) Every existing officer declared by this Act to be entitled to compensation, and every other existing officer, whether before mentioned in this Act or not, who by virtue of this Act, or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such pecuniary loss by the county council, to whom the powers of the authority, whose officer he was, are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

Compensation
to existing
officers.

(2.) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 5 & 6 Will. 4. 1835, that the same is a true statement according to the best of his knowledge, information, and belief.

(3.) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4.) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and such determination shall be final.

(5.) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which any Justice present may administer, all questions asked by any member of the council touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by

the council on granting the compensation, or, in case of appeal, by the Treasury, and shall be a specialty debt due to him from the county council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the same.

(7.) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

(8.) All expenses incurred by a county council in pursuance of this section shall be paid out of the county fund, as a payment for general county purposes.

121. [*Temporary provision as to grant from the Exchequer for the year ending 31st March 1889. Spent.*]

Savings.

Saving for
existing
securities and
discharge of
debts.

122.—(1.) Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of any rate or of any property by this Act transferred to a county council: and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any authority in the exercise of any powers or in relation to any property transferred from them to the county council under this Act shall be discharged, paid, and satisfied by such council.

(2.) Where for the purpose of satisfying any such security or any debt or liability, it is necessary to continue the levy of any rate or the exercise of any power which would have existed but for the provisions of this Act, such rate may continue to be levied and power to be exercised either by the authority who otherwise would have levied or exercised the same or by the county council as the case may require.

(3.) It shall be the duty of every authority whose powers, duties, and liabilities are transferred to any council by this Act to liquidate so far as practicable before the appointed day all current debts and liabilities incurred by such authority.

Saving for
existing
byelaws.

123. All such byelaws, orders, and regulations of the Privy Council, Secretary of State, Board of Trade, Local Government Board, or Government department, or of any quarter sessions, council of a borough, the Metropolitan Board of Works, or other authority, whose powers and duties are transferred by or in pursuance of this Act to any county council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, continue in force as if they had been made by such council, subject, nevertheless, to revocation or alteration by such council in the manner in which byelaws can be made by such council, and also to any exceptions or modifications which may be made at the time of the transfer.

124.—(1.) If at the date of the transfer in this section mentioned any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any authority in relation to any powers, duties, liabilities, or property by this Act transferred to the county council, the same shall not be in anywise prejudicially affected by reason of the passing of this Act, but may be continued, prosecuted, and enforced by or against such council as successors of the said authority in like manner as if this Act had not been passed.

Saving for pending actions, contracts, etc.

(2.) All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the transfer in this section mentioned, and affecting any such powers, duties, liabilities, or property of any authority as are by this Act transferred to a county council, shall be of as full force and effect against or in favour of the council, and may be enforced as fully and effectually, as if, instead of the authority, the said council had been a party thereto.

(3.) All contracts or agreements which prior to the appointed day have been made by the clerk of the peace or any Justice or Justices or otherwise on behalf of a county, or any division or part of a county, shall have effect as if the council of that county had been named therein instead of the clerk of the peace or such Justice or Justices, and may be enforced by or against the county council accordingly.

(4.) This section shall apply in the case of a committee of any authority in like manner as if the committee were such authority, and the committee of a county council were that council, and as if contracts and agreements by any such committee appointed by quarter sessions were contracts and agreements on behalf of a county.

125. Save so far as may be necessary to give effect to this Act or any scheme or order or other thing made or done thereunder nothing in this Act shall prejudicially alter or affect the powers, rights, privileges, or immunities of any municipal corporation, or the operation of any municipal charter, local Act of Parliament, or order confirmed by Parliament, which immediately before the passing of this Act was in force.

Saving for charters, local Acts, etc.

Repeals.

126. All enactments inconsistent with this Act are hereby repealed; Provided that—

Repeal of Acts.

(1.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment in this Act :

(2.) This repeal shall not affect—

(a.) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed ; or

(b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under or in accordance with any enactment hereby repealed : or

(c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or

(d.) Any power, investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, investigation, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

Section 20.

Local Traction Licences.

- Licences for the sale of intoxicating liquor for consumption on the premises ;
Retailers of spirits (publicans).
Retailers of spirits, occasional licences.
Retailers of beer.
Retailers of beer, occasional licences.
Retailers of beer and wine.
- Retailers of cider.
Retailers of wine.
Retailers of wine, occasional licences.
Retailers of sweets.
- Licences for the sale of intoxicating liquor by retail, by persons not licensed to deal therein, for consumption off the premises ;
Retailers of beer.
Retailers of beer and wine.
Retailers of cider.
- Retailers of wine.
Retailers of sweets.
Retailers of table beer.
- Licences to deal in game.
- Licences for—
Beer dealers.
Spirit dealers.
Sweets dealers.
Wine dealers.
Refreshment house keepers.
Dogs.
Killing game.
Guns.
Appraisers.
Auctioneers.
Tobacco dealers.
- Carriages.
Trade carts.
Locomotives.
Horses and mules.
Horse dealers.
Armorial bearings.
Male servants.
Hawkers.
House agents.
Pawnbrokers.
Plate dealers.

SECOND SCHEDULE.

Section 71.

Alteration of Schedule to District Auditors Act, 1879. (42 & 43 Vict. c. 6.)

The following scale shall, until otherwise determined by Parliament, be substituted for so much of the scale set forth in the First Schedule to the District Auditors Act, 1879, as relates to expenditure amounting to 100,000*l.* and upwards.

Where the Total of the Expenditure comprised in the Financial Statement is	The Sum shall be
100,000 <i>l.</i> and under 150,000 <i>l.</i>	50 <i>l.</i>
150,000 <i>l.</i> and under 200,000 <i>l.</i>	60 <i>l.</i>
200,000 <i>l.</i> and upwards.	15 <i>l.</i> in addition for every 50,000 <i>l.</i> or part thereof.

THIRD SCHEDULE. [List of county boroughs referred to in ss. 31, 34, 35, 36, and 69. Not applicable to London.]

CHAPTER XXXII.

AN ACT TO CONFIRM A PROVISIONAL ORDER MADE BY ONE OF HER
MAJESTY'S PRINCIPAL SECRETARIES OF STATE FOR MODIFYING
THE METROPOLIS (WHITECHAPEL AND LIMEHOUSE) IMPROVE-
MENT SCHEME, 1876. [28th June 1888.]

[Preamble.]

1. The Order set out in the Schedule hereunto annexed is hereby confirmed. Order in
Schedule
confirmed.
2. This Act may be cited as the Metropolis (Whitechapel and Limehouse) Provisional Order Confirmation Act, 1888. Short title.

SCHEDULE.

METROPOLIS (WHITECHAPEL AND LIMEHOUSE) IMPROVEMENT SCHEME
CONFIRMATION ACT, 1876.

[Provisional Order of the Home Secretary of the 23rd February 1888 permitting the Metropolitan Board of Works, being the local authority with respect to the Scheme authorised by 39 and 40 Vict. c. cc., to modify the said Scheme by purchasing by agreement the public house known as "the Crown," and authorising the addition of the land so acquired to the improvement area to which the said Scheme relates. Spent.]

CHAPTER CLI.

AN ACT TO AMEND THE HAMPSTEAD HEATH ENLARGEMENT ACT
1886. [7th August 1888.]

[Preamble recites (*inter alia*) 50 Vict. c. xli. (in this Act referred to as "the principal Act"); and that the Vestries of Hampstead, St. Pancras, and St. Marylebone have resolved to contribute £20,000, £30,000, and £5,000 respectively towards the expense of acquiring the Parliament Hill Estates; and that the Charity Commissioners are prepared to exercise the powers given them by the principal Act; and that the owners of the lands referred to in such Act as the "Parliament Hill Estates" have offered to sell for the purposes of the principal Act all the land originally intended to be acquired for those purposes with the exception of certain small pieces of land for which other pieces of land of about equal area are intended to be substituted; and that the Parliament Hill Estates were intended to be indicated on the plan signed by Leonard Henry Courtney, the Chairman of the Committee of the House of Commons to which the Bill for the principal Act was referred, by the colour green, but that the said colour was extended to cover certain land not intended to be included.]

1. This Act may be cited as the Hampstead Heath Enlargement (Amendment) Act 1888 and the principal Act as amended by this Act and this Act shall be read and have effect together as one Act and may be cited together as the Hampstead Heath Enlargement Acts 1886 and 1888. Short title.
Act to be
read with
principal
Act.

2. Section 2 of the principal Act so far as it defines the expression "the Parliament Hill Estates" is hereby repealed. Repealing
definition of
Parliament
Hill Estates.

3. In and for the purposes of the principal Act and this Act the expression "the Parliament Hill Estates" means the lands partly in the parish of Saint John Hampstead and partly in the parish of Plan of
Parliament
Hill Estates.

Saint Pancras in the county of Middlesex* commonly known as Parliament Hill Parliament Fields the Elms Estate and the East Park Estate comprising together about two hundred and sixty-one acres as the same are defined upon a plan signed by Leonard Henry Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred copies of which plan (headed with the title of this Act) have been deposited in the Parliament Office of the House of Lords and the Private Bill Office in the House of Commons.

4. [Ss. 4, 5, and 9 of the principal Act to be read as if the words “or any part or parts thereof” had been inserted therein after the word “estates” wherever occurring therein. *Spent.*]

Proceedings
not to be
invalid.

5. All acts done proceedings taken and resolutions passed in pursuance of the provisions of the principal Act prior to the passing of this Act shall be as valid binding and of as good effect as if they had been done taken or passed after the passing hereof.

6. [*Expenses of obtaining Act. Spent.*]

CHAPTER CLVI.

AN ACT TO CONFER POWERS ON THE METROPOLITAN BOARD OF WORKS WITH RESPECT TO THE IMPROVEMENT OF STREETS AND BRIDGES THE PROVIDING AND EXTENDING OF RECREATION GROUNDS AND FOR OTHER PURPOSES. [7th August 1888.]

[*Preamble recites (inter alia) that it is expedient that the Metropolitan Board of Works† (in this Act referred to as the Board) should be authorised to make certain works, and also recites the deposit with the Clerks of the Peace for Middlesex, Kent, and Surrey, of plans and sections showing the proposed works and lands to be taken, and a book of reference.*]

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Various Powers) Act 1888.

Interpretation of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“The street improvement” means the widening of Church Street authorised by this Act ;

“The bridge improvements” means the construction or improvement as the case may be of the Culvert Road Bridge and the bridge over Latchmere Road as authorised by this Act ;

“Street and bridge improvements” means the street improvement and the bridge improvements ;

“The Lands Clauses Acts” means the Lands Clauses Consolidation Acts 1845 1860 and 1869 (except section 133 of the Lands Clauses Consolidation Act 1845) as amended by the Lands Clauses (Umpire) Act 1883 ;

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

“The Metropolis Management Act” means the Metropolis Management Act 1855 and any Act amending the same;

“Street” has the meaning assigned to that term in the Metropolis Management Act and the Acts amending the same;

“Street authority” means with respect to any parish under the control of a vestry acting under the Metropolis Management Act the vestry of such parish* and with respect to any parishes under the control of a district board of works acting under that Act the board of works for such district* and the term “district” in relation to a street authority means the area subject to the jurisdiction of such street authority;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction:

Provided always that for the purposes of this Act the expression “the promoters of the undertaking” and “the Company” in the Lands Clauses Acts shall be construed to mean the Board and that for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. [*Parts omitted (definitions of “metropolis,” “Justice,” “lessee,” and “person”) spent.*]

3. This Act is divided into parts as follows:—

I.—Preliminary.

II.—Street and Bridge Improvements.

III.—Open Spaces etc.

IV.—Miscellaneous.

Division of
Act into
parts.

4. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

Incorporation
of Lands
Clauses Acts.

5. [*Power to the Board to act by committee. Superseded by 51 & 52 Vict. c. 41, s. 28 (2). See *ibid.* ss. 40 and 75.*]

PART II.

STREET AND BRIDGE IMPROVEMENTS.

6. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make and carry into execution all or any of the works described in this Act (that is to say):—

Power to
Board to
make certain
works.

THE WIDENING OF CHURCH STREET.

The widening of Church Street in the parish of Fulham in the county of Middlesex†:

On the south side commencing at the western end of Church Street where it joins High Street and terminating opposite the end of King’s Road: and

* Now the Council of the Metropolitan Borough. See 62 & 63 Vict. c. 14, s. 4.

† Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

On the north side commencing at the western side of the school house buildings and terminating opposite the end of King's Road.

CULVERT ROAD BRIDGE.

A new bridge over the West London Extension and London Chatham and Dover Railways between Culvert Road and Eversleigh Road in the parish of St. Mary Battersea in the county of Surrey* commencing in Culvert Road on the north side of the West London Extension Railway and terminating in the said road or the continuation thereof leading into Eversleigh Road alongside and on the south side of the London Chatham and Dover Railway.

BRIDGE OVER LATCHMERE ROAD.

The improvement and widening of the span of the bridge which carries the West London Extension Railway over Latchmere Road in the parish of St. Mary Battersea about forty yards northward of the end of Knowsley Road and the widening and lowering of the roadway beneath and on both sides of the said bridge.

For protection of the London Chatham and Dover and West London Extension Railway Companies.

7. With regard to the Culvert Road Bridge over the London Chatham and Dover and West London Extension Railways by this Act authorised the following provisions for the protection of the London Chatham and Dover Railway Company and the West London Extension Railway Company shall unless otherwise agreed on between the Board and the said Companies have effect viz. :—

- (2.) The said bridge and all works connected therewith shall be constructed by the Board (or by the said two Companies or either of them if so agreed with the Board) in accordance with the plans elevations sections and particulars agreed on or approved by arbitration as herein-after provided and to the reasonable satisfaction of the engineers of the said Companies who shall have access to the works of the Board at all reasonable times and the said bridge and works shall (after the vesting of the same in the street authority as by this Act provided) be thenceforth maintained to the like satisfaction by the street authority.
- (3.) In constructing the said bridge over the said railways and lands the Board shall not acquire any ownership of or in the railway land or property of either of the two companies but the Board may for the purposes thereof purchase and acquire and the said two Companies respectively shall sell such easement or right as may be necessary for making and maintaining the said bridge and works connected therewith.
- (6.) During the construction of the said bridge and works the Board shall from time to time be responsible for and make good to the two Companies respectively all costs losses damages and expenses from time to time occasioned to them or to their respective railways or to the traffic

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

thereon or to any person or persons using the same or otherwise by reason of the execution or failure of the works of or incidental to the said bridge or any act or omission of the Board or of any contractor or any person in the employ of them or him and the Board shall effectually indemnify and hold harmless the said Companies respectively from all claims and demands upon or against them by reason of any such execution or failure or of any such act or omission and after the completion of the said bridge the street authority shall in like manner be responsible for and make good to the two Companies respectively all costs losses damages and expenses occasioned by reason of the insufficiency or failure of the said bridge or works and shall in like manner indemnify and hold harmless the said Companies respectively from all such claims and demands as aforesaid.

- (7.) If during the construction of the said bridge and the approaches thereto or of any temporary works or by the acts omissions or defaults of the Board or of any contractor or other person employed by the Board any stoppage or interruption of the traffic upon either of the said railways shall arise the Board shall pay to the Company to whom such railway belongs the sum of thirty pounds for each and every hour during which such stoppage or interruption shall continue as and for liquidated damages and the same may be recovered by the Company to whom such railway belongs as any simple contract debt of the like amount and if after the completion of the said bridge and works and the vesting thereof in the street authority any like stoppage or interruption shall occur by reason of the insufficiency or failure of the works or during any works of repair or maintenance thereto the street authority shall be liable to the like payment to the Company to whom the railway belongs which may be recovered in like manner.
- (8.) After the completion of the said bridge and works they shall not be altered added to or reduced except in such manner and on such terms as shall be agreed between the street authority and the said two Companies or failing agreement as may be prescribed by arbitration as herein-after provided.
- (9.) The reasonable costs charges and expenses of the said two Companies and each of them and of their respective engineers in reference to the matters aforesaid shall be defrayed by the Board until the completion of the said bridge and works and the vesting thereof in the street authority and thereafter by the street authority.
- (11.) Any dispute or difference which may from time to time arise between the Board or the street authority on the one hand and the two Companies or either of them on the other hand with reference to the plans elevations sections and particulars aforesaid or to any other matter arising out of the provisions of this section shall be referred to an engineer to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be final and conclusive and the costs of and incidental

to such arbitration shall be borne and defrayed as he may direct.

- (12.) If and whenever either of the said two Companies desire to widen or alter their railway so as to render necessary or expedient any interference with the said bridge such Company may on giving not less than two months notice to the Board and the street authority widen or alter the said railway and bridge as they think proper but any alteration in the said bridge shall be made subject to the reasonable control of the engineer of the street authority upon such terms and conditions as may be agreed upon between the street authority and such Company or may be settled by an arbitrator appointed as aforesaid.

[Parts omitted (provisions applying during the construction of the bridge and as to stopping up the existing footbridge over the railways when the new bridge is constructed) spent.]

8.

As to
northern
approach to
Culvert
Road
Bridge.

The said Company may at their own expense form a means of communication by steps or otherwise between their railway and the northern approach of the said bridge and also between their railway and the top of the central pier of the said bridge and for that purpose may make such openings as they may consider necessary in the parapet of the said northern approach and over the said central pier in such manner as may be agreed between the Board and the said Company or failing agreement as may be settled by arbitration as provided in the next following section.

[Part omitted (the northern approach to Culvert Road Bridge not to be upon certain land unless otherwise agreed between the Board and the West London Extension Railway Company) spent.]

For protec-
tion of the
West London
Extension
Railway
Company at
Latchmere
Road.

9. With regard to the improvement and widening of the span of the bridge carrying the West London Extension Railway over Latchmere Road as by this Act authorised the following provisions for the protection of the West London Extension Railway Company and with reference to the construction of the said works shall unless otherwise agreed on between the Board and the said Company have effect viz. :—

- (2.) In carrying out the said works the Board shall not acquire any ownership of or in the railway land or property of the West London Extension Railway Company but the Board shall have and the Company shall grant to the Board an easement or right of public way beneath the said bridge and works as altered and made under the provisions of this section and as the purchase money or consideration for such easement or right the Board shall pay to the said Company the sum of fifty pounds sterling.

- (4.) The said bridge and works as altered and made under the provisions of this section and the materials used therein shall be and remain the property of the West London Extension Railway Company and shall be maintained by them as part of their railway and works but the road and

footways under the same shall be formed paved metalled channelled and flagged by and at the expense of the Board.

[Parts omitted (provisions applying during the construction of the bridge) spent.]

10. [For the protection of the Metropolitan District Railway Company as to lands to be acquired from the Company for widening Church Street, Fulham. Spent.]

11. [Separate accounts to be kept in respect of street and bridge improvements. Superseded 51 & 52 Vict. c. 41, s. 71.]

12—15. [As to contributions by Fulham Vestry towards the widening of Church Street, and by the Vestry of St. Mary, Battersea, towards the expenses of constructing the Culvert Road Bridge and towards the widening of the span of the bridge over Latchmere Road. Spent.]

16. When the street and bridge improvements authorised by this Act or any one of them are made a certificate thereof shall be issued under the common seal of the Board and any copy of such certificate certified under the hand of the clerk of the Board shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and so much of the said improvements as shall have been laid out for carriageways or footways shall form a street and may be used by the public accordingly. The soil under the said improvements except where an easement only shall have been acquired by the Board shall be vested in the Board. The new bridge over the West London Extension and London Chatham and Dover Railways by this Act authorised shall when completed be vested in the street authority of the district in which it is situate and the maintenance repair paving cleansing and lighting of the said bridge and of the roadway under the Latchmere Road Bridge when altered under the provisions of this Act and of the approaches thereto respectively and of the widening of Church Street shall be under the care management control and jurisdiction of the street authority of the district in which they are respectively situate in the same manner as other public roads and streets in their district.

The street and bridge improvements to form a street repair etc.

17—19. [Power to the Board to stop up ways temporarily, to raise or lower streets, and to deviate. Spent.]

20. [Power to the Board to alter or appropriate streets, and to interfere with drains and sewers on providing substitutes, which are to be under the same management as existing drains and sewers.]

21—22. [Power to the Board to alter water, gas, and other pipes, and to lay out carriageways, footways, etc. Spent.]

23. [As to laying of pavements and resting the same when laid in and as to the maintenance thereof by the street authority of the district in which the same are situate.]

24. [Power to the Board to fill up sewers and drains on providing substitutes, which are to be under the same management as existing sewers and drains.]

25—27. [Power to the Board to alter steps, areas, pipes, etc.—Periods for completion of street and bridge improvements limited to 4 years, and for compulsory taking of lands to 3 years. Spent.]

PART III.

OPEN SPACES, ETC.

KENNINGTON PARK.

Power to purchase a piece of land north of Kennington Park.

28. The Board may purchase and acquire a piece of land situate on the northern side of Kennington Park partly in the parish of St. Mary Lambeth and partly in the parish of St. Mary Newington in the county of Surrey* shown on the deposited plans and thereon coloured red and described in the deposited book of reference and the said piece of land shall thereupon vest in the Board and be added to Kennington Park and shall be considered for all purposes to form part of Kennington Park : And all byelaws and regulations from time to time in force with regard to Kennington Park shall apply to and be in force with regard to the said piece of land. [See 50 & 51 Vict. c. 34.]

As to widening streets at Kennington.

29. The Board shall widen South Place and Newington Terrace where they abut upon the said piece of land so that both those thoroughfares so far as they will abut upon the said piece of land shall be forty feet clear in width with proper footpaths kerbs and channelling and for that purpose shall throw into the said highways respectively as much of the said land as will be necessary for that purpose.

DULWICH PARK.

Approaches to Dulwich Park.

30. The two pieces of land in the parish of Camberwell in the county of Surrey* shown on the deposited plans and thereon coloured red and described in the deposited book of reference are by virtue of this Act transferred to and vested in the Board for the purpose of enabling the Board to form approaches to Dulwich Park and the said pieces of land shall be added to Dulwich Park and shall for all purposes be considered to form part of Dulwich Park and all byelaws and regulations from time to time in force with regard to Dulwich Park shall apply to and be in force with regard to the said pieces of land. . . . [Part omitted (as to compensation) spent.]

Further provisions as to laying out approaches.

31. With reference to the approaches to Dulwich Park formed by the Board upon the said two pieces of land in the parish of Camberwell the following provisions shall be observed and have effect :—

- (1.) The Board shall plant and maintain on each side of the approach road to be formed by them from Court Lane to Dulwich Park upon the piece of land in the parish of Camberwell coloured red on the deposited plans and numbered 1 thereon and in the deposited books of reference a belt of trees and shrubs twenty feet wide.
- (2.) Each side of the approach road from Dulwich Common Road to Dulwich Park to be formed by the Board upon the pieces of land also coloured red on the deposited plans and numbered 2 3 4 and 5 on the said plans and in the deposited books of reference shall be laid out in a manner approved on behalf of the Governors of Dulwich College by Charles Barry of Number One Westminster Chambers Victoria Street S.W. or other person to be appointed by them for that purpose.
- (3.) The Board shall not take down any of the trees standing on the said pieces of land except such as it may be necessary

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

for them to remove for the purpose of forming the said approach road and the trees and shrubs remaining on the said pieces of land and to be planted there from time to time by the Board shall be preserved and renewed by the Board from time to time.

(4.) Any gates bars fence or railings erected by the Board abutting on Dulwich Common Road shall be of a design and materials to be previously approved by the said Charles Barry or other person to be appointed on behalf of the said Governors.

(5.) The Board may close the gates between the lane known as Snakes Lane numbered on the deposited plans 5 in the parish of Camberwell and the enclosure on the eastern side thereof.

[See also 48 & 49 Vict. c. clxvii. ss. 48—50; and 49 & 50 Vict. c. cxii. ss. 35—37.]

LANDS AT LEWISHAM.

32. The Board may purchase and acquire certain lands in the parish of Lewisham in the county of Kent * shown on the deposited plans and thereon coloured red and described in the deposited book of reference and when the Board shall have purchased the same they shall vest in the Board and the Board shall hold the same and every part thereof as an open space and shall lay out maintain and preserve the same and every part thereof as an open space for the perpetual use thereof by the public for exercise and recreation and may from time to time exercise all necessary powers for the maintenance and preservation of the same as an open space: Provided that the Board may if they think fit enclose the said lands or any part thereof with a view to the better or more effectual preservation thereof for public use. [See also the *Shortlands and Nunhead Railway*† Act 1889, s. 19.‡]

Power to
purchase
lands at
Lewisham.

* Now the county of London. See 51 & 52 Vict. c. 41, s. 40 (2).

† Now vested in the London Chatham & Dover Railway Company. See the London Chatham & Dover Railway (Further Powers) Act 1896, s. 1.

‡ S. 19 of the Shortlands and Nunhead Railway Act 1889 provides as follows:—

19. (A) [The Shortlands and Nunhead Railway Company (hereinafter called the Company) to divert the line of railway between the points A and B to the extent shown by the red line on the plan signed in duplicate by Thomas Lord Brassey the Chairman of the Committee of the House of Lords to whom the Bill for the Act was during its passage through Parliament referred and deposited in the Parliament Office and Private Bill Office of the House of Commons in the manner shown on that plan. Spent.]

(B) [The Company to carry the said diverted line of railway over the River Ravensbourne and the portion of the existing recreation ground between the points C' and D on the said plan by means of a bridge approved by the London County Council. Spent.]

(C) [The Company not to acquire more of the said recreation ground than one rood and eight perches.]

(D) The Company shall acquire the land lying westward of the embankment of the said diverted railway and between it and the existing boundary of the said recreation ground estimated at one acre one rood and twenty-seven perches and coloured pink on the signed plan in exchange for the portion of the recreation ground required by the Company and estimated at one rood and eight perches and shall transfer and vest the said first-named area of land to and in the London County Council and such land shall at all times thereafter be held by the said County Council as part of the said recreation ground.

(E) The Company shall not erect any telegraph posts on the railway between the points A and B so as to be visible from the recreation ground but shall carry their telegraph wires below the level of the upper surface of the embankment of the railway.

(F) For the purpose of affording access to the recreation ground the Company shall (if so required by the London County Council at any time before they commence the construction of the portion of the railway lying between the points A and B) construct

Power to purchase rights over lands at Lewisham.

33. Subject to the provisions of this Act the Board may purchase and acquire any estates interests and rights in over or affecting the said lands at Lewisham for the better execution of this part of this Act with respect to the maintenance and preservation of the said lands as an open space and for the purpose of applying the provisions of the Lands Clauses Acts under this Act the term "lands" in the said provisions shall be considered to include such estates interests and rights and when the Board have purchased any such estate interest or right they may either extinguish the same or retain hold and exercise the same wholly or partially.

Power to Board to construct a footbridge.

34. The Board may construct and maintain a footbridge across the Mid-Kent Railway* as shown on the deposited plans for the purpose of affording communication between those parts of the said lands which are on either side of the said railway and the said footbridge when constructed shall belong to and be maintained by the Board and for the purpose of constructing such bridge the Board may purchase or take an easement or right of constructing such bridge where the same passes over the Mid-Kent Railway* and shall not be required to purchase any part of the railway or of the soil thereof.

For the protection of the South-eastern Railway Company.

35. With regard to the footbridge across the Mid-Kent Railway* by this Act authorised the following provisions for the protection of the South-eastern Railway Company (in this Act called the South-eastern Company) shall unless otherwise agreed on between the Board and the South-eastern Company have effect viz. :—

(2.) The span of the said footbridge shall be of sufficient width for four lines of permanent way of the said railway thereunder and shall be constructed at such place upon the lands in the said parish shown upon the deposited plans and described in the deposited books of reference as the engineer of the South-eastern Company shall determine and the said footbridge and all works connected therewith shall be of a reasonably ornamental character and shall be

at the point marked E on the signed plan a bridge of not less than forty feet in width and having a headway of not less than thirteen feet throughout the span and at the point marked H on the said plan a bridge of not less than twenty feet in width and having a headway of not less than thirteen feet throughout the span. Provided that the Company and the said County Council may agree on other means of communication between the recreation ground and Adenmore Gardens in substitution for the bridges above referred to. The wing or retaining walls of the bridge at the point marked E shall be so constructed as to leave a clear space of not less than fifteen feet between the railway works and the river Ravensbourne.

(G) The Company shall to the satisfaction of the County Council divert as shown on the plan or as nearly as may be thereto the River Ravensbourne at the point of crossing and fill up the bed thereof where diverted so that it shall not interfere with communication through the said bridge between the several portions of the recreation ground. And the piece of ground which will intervene between the portion of the river so diverted and the recreation ground shall be thrown into and form part of the recreation ground.

(H) The Company shall plant the embankment of their railway for the whole of its length adjoining the recreation ground with shrubs and trees in an ornamental manner and to the reasonable satisfaction of the said County Council and such planting shall be from time to time maintained and renewed by and at the expense of the Company to the satisfaction of the Council.

(I) The Company shall not without the consent of the County Council deviate the levels of their railway between the points A and B shown on the signed plans to a greater extent upwards than two feet nor to any extent downwards.

(J) If any difference arise touching the provisions of this section the same shall be referred to an arbitrator to be appointed on the application of any of the parties by the Board of Trade.

* Now amalgamated with the South-eastern Company's undertaking. See the South-eastern Railway Company's Acts 1864 and 1866.

constructed and at all times hereafter maintained by the Board in accordance with the plans elevations sections and particulars agreed on or approved by arbitration as hereinafter provided and to the reasonable satisfaction of the engineer of the South-eastern Company who shall have access to the works of the Board at all reasonable times.

- (3.) In constructing and maintaining the said footbridge over the said railway and lands the Board shall not acquire any ownership of or in the railway land or property of the South-eastern Company but the Board may for the purposes thereof purchase and acquire and the South-eastern Company shall sell an easement or right of making and maintaining the said footbridge.
- (5.) In carrying into execution any works or any of the powers of this Act the Board shall not cause any obstruction of or interference with the railway or the traffic thereon or the railway signals of the South-eastern Company.
- (6.) The Board shall from time to time be responsible for and make good to the South-eastern Company all costs losses damages and expenses from time to time occasioned to the South-eastern Company or to their railway or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of the works of or incidental to the said footbridge or any act or omission of the Board or of any contractor or any person in the employ of them or him or of any new signals or of the re-erection or alteration of signals which may be rendered necessary by the said works and the Board shall effectually indemnify and hold harmless the South-eastern Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission.
- (7.) If in the construction and maintenance of the said footbridge or of any temporary works or by the user thereof or by reason of the insufficiency or failure thereof respectively or by the acts omissions or defaults of the said Board or of any contractor or other persons employed by the said Board any stoppage or interruption of the traffic upon the said railway shall arise the Board shall pay to the South-eastern Company the sum of thirty pounds for each and every hour during which such stoppage or interruption shall continue as and for liquidated damages and the same may be recovered by the Company as any ordinary simple contract debt of the like amount.
- (8.) After the execution of the works by this Act authorised they shall not be altered added to or reduced except in such manner and on such terms as shall be agreed between the Board and the South-eastern Company or failing agreement as may be prescribed by arbitration as hereinafter provided.
- (9.) The reasonable costs charges and expenses of the South-eastern Company and of their engineer in reference to the matters aforesaid shall be defrayed by the Board on request by the South-eastern Company.

- (10.) Any dispute or difference which may from time to time arise between the Board on the one hand and the South-eastern Company on the other hand with reference to the plans elevations sections and particulars aforesaid or to any other matter arising out of the provisions of this section shall be referred to an engineer to be appointed upon the application of either party by the Board of Trade and the decision of such arbitrator shall be final and conclusive and the costs of and incidental to such arbitration shall be borne and defrayed as he may direct.
- (11.) Nothing in this Act contained shall prejudice take away lessen or interfere with any of the property rights powers interests or privileges of the South-eastern Company otherwise than is herein expressly provided.
- (13.) If and whenever the South-eastern Company desire to widen or alter the said railway so as to render necessary or expedient any interference with the said footbridge the South-eastern Company may on giving not less than two months notice to the Board widen or alter the said railway and bridge as they think proper and if in executing such widening or alteration it becomes necessary to make any alteration in the said footbridge such alteration shall be made subject to the reasonable control of the engineer of the Board upon such terms and conditions as may be agreed upon between the Board and the South-eastern Company or may be settled by an arbitrator appointed as aforesaid.

[Parts omitted (provisions applying during construction of the footbridge) spent.]

Power to erect certain buildings and make certain communications.

36. The Board may erect and maintain on or near the said lands such convenient or ornamental buildings as they may think requisite for the accommodation of keepers constables and other officers and huts or lodges to be used in connexion with the maintenance of the said lands as an open space and may erect and maintain such bridges as they may think necessary for the purpose of affording communication between those parts of the said lands which are on either side of the River Ravensbourne and any such bridge when constructed shall belong to and be maintained by the Board. *[See also 50 & 51 Vict. c. cvi. s. 50, and 58 & 59 Vict. c. cxxvii. s. 45.]*

Byelaws as to lands at Lewisham.

37. From and after the purchase of the said lands by the Board as in this Act provided all the provisions of the Metropolitan Board of Works Act 1877 with respect to the making contents confirmation approval allowance publication and evidence of byelaws and of securing the observance of the same and the penalties and proceedings before Justices and the recovery and application of penalties and generally with respect to the parks and heaths and commons shall extend and apply to the said lands as if they had been included among the parks heaths and commons in respect of which byelaws were by the Metropolitan Board of Works Act 1877 authorised to be made by the Board and for the purpose of this section any footbridges constructed by the Board over the Mid-Kent Railway and the River Ravensbourne shall be deemed to form part of the said lands. *[See also 53 & 54 Vict. c. cclxiii. ss. 14—21, and 61 & 62 Vict. c. cxxi. s. 61.]*

38—39. [*As to contribution by the Lewisham District Board of not exceeding one-half of the cost of the acquisition of the said lands in Lewisham—As to stamping of conveyances. Spent.*]

PART IV.

MISCELLANEOUS.

40. [*Cost of maintaining and repairing Westminster Bridge and approaches to be raised as a general rate. Superseded 51 & 52 Vict. c. 41, s. 3 (viii.).*]

41—51. [*Extension till 6th August 1889 of the period for compulsory taking of lands, and till 6th August 1891 of the period for completion of works authorised by 48 & 49 Vict. c. clxvii.—Incorporation of part ii. of Railways Clauses Act 1863—Power to the Board to take lands—Rehousing of labouring class persons—As to acquisition of easements—Errors and omissions in plans—Power to the Board to enter and survey lands to be taken—As to arbitration—As to taking part only of certain property—The Board to redeem land tax on lands taken—Power to the Board to sell materials. Spent.*]

52—58. [*Power to the Board to lease surplus lands—As to sale of ground rents and reversions thereof—Power to sell such lands without leasing and to let or exchange such lands—Such lands to be sold before 1st February 1941—Receipts of the Board to be effectual discharges—Power to the Board to make agreements with owners of property. Spent.*]

59. [*Expenses of executing Act. Superseded 51 & 52 Vict. c. 41, part iv., and by the London County Council (Money) Acts 1889—1904.*]

60. [*Expenses of obtaining Act. Spent.*]

APPENDIX.

APPENDIX.

6 & 7 VICTORIA. A.D. 1843.

CHAPTER 68.

AN ACT FOR REGULATING THEATRES.*

[22d August 1843.]

[Preamble.]

1. [*Repeal of 3 Jac. 1, c. 21, 10 Geo. 2, c. 19 (in part), 10 Geo. 2, c. 28, and 28 Geo. 3, c. 30. Proviso that licences granted under the last recited Act shall continue in force for the times for which or until revoked by the authority by which they were granted. Rep. 37 & 38 Vict. c. 96 (S.L.R.).*]

2. . . . It shall not be lawful for any person to have or keep any house or other place of public resort in Great Britain for the public performance of stage plays, without authority by virtue of letters patent from Her Majesty, her heirs and successors, or predecessors, or without licence from the Lord Chamberlain of Her Majesty's Household for the time being, or from the Justices of the Peace† as herein-after provided; and every person who shall offend against this enactment shall be liable to forfeit such sum as shall be awarded by the court in which or the Justices by whom he shall be convicted, not exceeding twenty pounds for every day on which such house or place shall have been so kept open by him for the purpose aforesaid, without legal authority.

All theatres for the performance of plays must be licensed.

3. . . . The authority of the Lord Chamberlain for granting licences shall extend to all theatres (not being patent theatres) within the parliamentary boundaries of the cities of London and Westminster, and of the boroughs of Finsbury and Marylebone, the Tower Hamlets, Lambeth, and Southwark, and also within those places where her Majesty, her heirs and successors, shall, in their royal persons, occasionally reside: Provided always, that, except within the cities and boroughs aforesaid, and the boroughs of New Windsor in the county of Berks, and Brighthelmston in the county of Sussex, licences for theatres may be granted by the Justices† as herein-after provided, in those places in which Her Majesty, her heirs and successors, shall occasionally reside; but such licences shall not be in force during the residence there of Her Majesty, her heirs and successors; and during such residence it shall not be lawful to open such theatres as last aforesaid (not being patent theatres) without the licence of the Lord Chamberlain.

What licences shall be granted by the Lord Chamberlain.

4. . . . For every such licence granted by the Lord Chamberlain a fee, not exceeding ten shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the Lord Chamberlain, shall be paid to the Lord Chamberlain.

Fee for Lord Chamberlain's licence.

5. . . . The Justices of the Peace† within every county, riding, division, liberty, cinque port, city, and borough in Great Britain beyond the limits of the authority of the Lord Chamberlain, in which application shall have been made to them for any such licence as is herein-after mentioned, shall, *within twenty-one days next* after such application shall have been made to them in writing signed by the party making the same, and countersigned by at least two Justices acting in and

Licences may be granted by Justices.

* Short title. "The Theatres Act, 1843." See the Short Titles Act 1896.

† Now the county councils. See 51 & 52 Vict. c. 41, ss. 7 and 8.

for the division within which the property proposed to be licensed shall be situate, and delivered to the clerk to the said Justices, hold a special session in the division, district, or place for which they usually act, for granting licences to houses for the performance of stage plays, of the holding of which session seven days notice shall be given by their clerk* to each of the Justices acting within such division, district, or place; and every such licence shall be given under the hands and seals of four or more of the Justices† assembled at such special session, and shall be signed and sealed in open court, and afterwards shall be publicly read by the clerk, with the names of the Justices subscribing the same. [As regards words in italics, see 51 & 52 Vict. c. 41, s. 78 (3), and the Council's Standing Orders.]*

Fee for
Justices
licence.

6. . . . For every such licence granted by the Justices† a fee, not exceeding five shillings for each calendar month during which the theatre is licensed to be kept open, according to such scale of fees as shall be fixed by the Justices,† shall be paid to the clerk of the said Justices.*

To whom
licences
shall be
granted.

7. . . . No such licence for a theatre shall be granted by the Lord Chamberlain or Justices † to any person except the actual and responsible manager for the time being of the theatre in respect of which the licence shall be granted; and the name and place of abode of such manager shall be printed on every play bill announcing any representation at such theatre; and such manager shall become bound himself in such penal sum as the Lord Chamberlain or Justices † shall require, being in no case more than five hundred pounds, and two sufficient sureties, to be approved by the said Lord Chamberlain or Justices,† each in such penal sum as the Lord Chamberlain or Justices † shall require, being in no case more than one hundred pounds, for the due observance of the rules which shall be in force at any time during the currency of the licence for the regulation of such theatre, and for securing payment of the penalties which such manager may be adjudged to pay for breach of the said rules, or any of the provisions of this Act.

Rules for
the theatres
under the
control of
the Lord
Chamberlain.

8. . . . In case it shall appear to the Lord Chamberlain that any riot or misbehaviour has taken place in any theatre licensed by him, or in any patent theatre, it shall be lawful for him to suspend such licence or to order such patent theatre to be closed for such time as to him shall seem fit; and it shall also be lawful for the Lord Chamberlain to order that any patent theatre or any theatre licensed by him shall be closed on such public occasions as to the Lord Chamberlain shall seem fit; and while any such licence shall be suspended, or any such order shall be in force, the theatre to which the same applies shall not be entitled to the privilege of any letters patent or licence, but shall be deemed an unlicensed house.

Rules for
enforcing
order in the
theatres
licensed by
the Justices.

9. . . . The said Justices of the Peace † at a special licensing session or at some adjournment thereof, shall make suitable rules for ensuring order and decency at the several theatres licensed by them within their jurisdiction, and for regulating the times during which they shall severally be allowed to be open, and from time to time, at another special session, of which notice shall be given as aforesaid, may rescind or alter such rules; and it shall be lawful for any one of Her Majesty's principal Secretaries of State to rescind or alter any such rules, and also to make such other rules for the like purpose, as to him shall seem fit; and a copy of all rules which shall be in force for the time being shall be annexed to every such licence; and in case any riot or breach of the said rules in any such theatre shall be proved on oath before any two Justices usually acting in the jurisdiction where such theatre is situated, it shall be lawful for them to order that the same be closed for such time as to the said Justices shall seem fit; and while such order shall be in force the theatre so ordered to be closed shall be deemed an unlicensed house.

10. [*Special provisions applying to the universities of Oxford and Cambridge and within 14 miles of the city of Oxford or town of Cambridge.*]

* Now the clerk of the county council. See 51 & 52 Vict. c. 41, ss. 7 and 83.

† Now the county councils. See 51 & 52 Vict. c. 41, ss. 7—8.

11. . . . Every person who for hire shall act or present, or cause, permit, or suffer to be acted or presented, any part in any stage play, in any place not being a patent theatre or duly licensed as a theatre, shall forfeit such sum as shall be awarded by the court in which or the Justices by whom he shall be convicted, not exceeding ten pounds for every day on which he shall so offend. [*See 2 & 3 Vict. c. 47, s. 46.*]

Penalty on persons performing in unlicensed places.

12. . . . One copy of every new stage play, and of every new act, scene, or other part added to any old stage play, and of every new prologue or epilogue, and of every new part added to an old prologue or epilogue intended to be produced and acted for hire at any theatre in Great Britain, shall be sent to the Lord Chamberlain of Her Majesty's Household for the time being, seven days at least before the first acting or presenting thereof, with an account of the theatre where and the time when the same is intended to be first acted or presented, signed by the master or manager, or one of the masters or managers, of such theatre; and during the said seven days no person shall for hire act or present the same, or cause the same to be acted or presented; and in case the Lord Chamberlain, either before or after the expiration of the said period of seven days, shall disallow any play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, it shall not be lawful for any person to act or present the same, or cause the same to be acted or presented, contrary to such disallowance.

No new plays or additions to old ones to be acted until submitted to the Lord Chamberlain.

13. . . . It shall be lawful for the Lord Chamberlain to charge such fees for the examination of the plays, prologues and epilogues, or parts thereof, which shall be sent to him for examination, as to him from time to time shall seem fit, according to a scale which shall be fixed by him, such fee not being in any case more than two guineas, and such fees shall be paid at the time when such plays, prologues, and epilogues, or parts thereof, shall be sent to the Lord Chamberlain; and the said period of seven days shall not begin to run in any case until the said fee shall have been paid to the Lord Chamberlain, or to some officer deputed by him to receive the same.

Fees to be paid for examination of plays, etc.

14. . . . It shall be lawful for the Lord Chamberlain for the time being, whenever he shall be of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do, to forbid the acting or presenting any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, anywhere in Great Britain, or in such theatres as he shall specify, and either absolutely or for such time as he shall think fit.

The Lord Chamberlain may forbid any play.

15. . . . Every person who for hire shall act or present, or cause to be acted or presented, any new stage play, or any act, scene, or part thereof, or any new prologue or epilogue, or any part thereof, until the same shall have been allowed by the Lord Chamberlain, or which shall have been disallowed by him, and also every person who for hire shall act or present, or cause to be acted or presented, any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, contrary to such prohibition as aforesaid, shall for every such offence forfeit such sum as shall be awarded by the court in which or the Justices by whom he shall be convicted, not exceeding the sum of fifty pounds; and every licence (in case there be any such) by or under which the theatre was opened, in which such offence shall have been committed, shall become absolutely void.

Penalty for acting plays before they are allowed or after they have been disallowed.

16. . . . In every case in which any money or other reward shall be taken or charged, directly or indirectly, or in which the purchase of any article is made a condition for the admission of any person into any theatre to see any stage play, and also in every case in which any stage play shall be acted or presented in any house, room, or place in which distilled or fermented excisable liquor shall be sold, every actor therein shall be deemed to be acting for hire.

What shall be evidence of acting for hire.

Proof of
licence in
certain
cases to lie
on the party
accused.

17. . . . In any proceedings to be instituted against any person for having or keeping an unlicensed theatre, or for acting for hire in an unlicensed theatre, if it shall be proved that such theatre is used for the public performance of stage plays, the burden of proof that such theatre is duly licensed or authorized shall lie on the party accused, and until the contrary shall be proved such theatre shall be taken to be unlicensed.

18. [*As to discontinuance of proceedings begun before the passing of this Act. Rep. 37 & 38 Vict. c. 96. (S.L.R.).*]

Penalties
how to be
recoverable.

19. . . . All the pecuniary penalties imposed by this Act for offences committed in England may be recovered in any of Her Majesty's Courts of Record at Westminster, . . . or for offences committed in any part of Great Britain in a summary way before two Justices of the Peace for any county, riding, division, liberty, city, or borough where any such offence shall be committed. . . . [*Parts omitted (as to offences in Scotland) not applicable to London and (as to distress and imprisonment) rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

Appeal.

20. . . . It shall be lawful for any person who shall think himself aggrieved by any order of such Justices of the Peace to appeal therefrom to the next General or Quarter Session of the Peace to be holden for the said county, riding, division, liberty, city, or borough, whose order therein shall be final. [*See the Summary Jurisdiction Act 1879, ss. 31 & 32.*]

Appropriation
of
penalties.

21. . . . The said penalties for any offence against this Act shall be paid and applied in the first instance toward defraying the expenses incurred by the prosecutor, and the residue thereof (if any) shall be paid to the use of Her Majesty, her heirs and successors.

Limitation
of actions.

22. Provided always, that no person shall be liable to be prosecuted for any offence against this Act unless such prosecution shall be commenced within six calendar months after the offence committed.

Interpreta-
tion of Act.

23. . . . In this Act the word "stage play" shall be taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage, or any part thereof: Provided always, that nothing herein contained shall be construed to apply to any theatrical representation in any booth or show which by the Justices of the Peace, or other persons having authority in that behalf, shall be allowed in any lawful fair, feast, or customary meeting of the like kind.

Limits of
the Act.

24. . . . This Act shall extend only to Great Britain.

25. [*This Act may be amended by any Act of this session. Spent.*]

15 & 16 VICTORIA. A.D. 1852.

CHAPTER 81.

AN ACT TO CONSOLIDATE AND AMEND THE STATUTES RELATING TO THE ASSESSMENT AND COLLECTION OF COUNTY RATES IN ENGLAND AND WALES.*

[30th June 1852.]

[*Preamble.*]

1. [*Repeal of 12 Geo. 2, c. 29; 13 Geo. 2, c. 18; 37 Geo. 3, c. 65; 55 Geo. 3, c. 51; 56 Geo. 3, c. 49; 57 Geo. 3, c. 94; 1 & 2 Geo. 4, c. 85; 1 Will. 4, c. xlviii.; 4 & 5 Will. 4, c. 48; 8 & 9 Vict. c. 111; and (in part) 12 & 13 Vict. c. 65. Rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

2—3. [*Justices at sessions to appoint committees for preparing a basis or standard for assessing county rates, and as to meetings of such committees. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

* Short title, "The County Rates Act, 1852." See the Short Titles Act 1896.

4—20. [*Provisions relating to the preparation of the basis or standard for county rates so far as relating to London.* Rep. 32 & 33 Vict. c. 67, s. 77.]

21. From and after the passing of this Act, it shall be lawful for the Justices of the Peace* of the several counties, or divisions of counties in England and Wales, assembled at their General or Quarter Sessions,* or at any adjournment or adjournments thereof, and they are hereby authorized and empowered, whenever circumstances shall appear to require it, to order and direct a fair and equal county rate to be made, for all the purposes to which the county stock or rate is now or shall hereafter be made liable by law, according to the basis or standard for the time being in force in such county or division of a county†; and for that purpose to assess and tax every parish, township, and other place, whether parochial or extra-parochial, within the respective limits of their commissions, or within such divisions, rateably and equally, according to a certain pound rate (to be from time to time fixed and publicly declared by such Justices*), upon the basis or standard herein-before mentioned, of the full and fair annual value of the property, messuages, lands, tenements, and hereditaments rateable to the relief of the poor therein, or which in any place not maintaining its poor would be liable to be rated for the relief of the poor if the said last-mentioned place were a parish, any law or statute to the contrary thereof notwithstanding; and the Justices of the Peace* shall in all cases where the same may be necessary appoint proper persons within such extra-parochial or other places for the assessing, taxing, and rating such extra-parochial property, messuages, lands, tenements, and hereditaments, and levying, collecting, and paying over such assessment, taxes, or rates.

22. If the churchwarden or churchwardens, overseer or overseers of the poor,‡ or other inhabitant or inhabitants of any parish, township, or place, whether parochial or otherwise, where there is no churchwarden or overseer, or person appointed to act as such, shall at any time thereafter have reason to think that such parish, township, or place is aggrieved by any rate or assessment now existing, or hereafter to be made upon the basis or standard herein-before mentioned, either in pursuance of this Act or of any Act or Acts now in force, whether it be on account of the proportions assessed upon the respective parishes, townships, or places being unequal, or on account of some one or more of them being without sufficient cause omitted altogether from the rate, or on account of such parish, township, or place being rated at a higher proportion of the pound sterling according to the fair annual value of the rateable property therein, or on account of some other parish or parishes, township or townships, place or places being rated at a lower proportion of the pound sterling according to the fair annual value of the rateable property therein than has been fixed and declared by the Justices of the Peace of the said county in sessions* assembled as the basis of the rate of the said county, or on account of the altered state of the value of the property assessed, or any part thereof, or shall have any other just cause of complaint whatsoever, it shall be lawful for such churchwarden or churchwardens, overseer or overseers of the poor, or other inhabitant or inhabitants where there is no churchwarden or overseer,‡ or person appointed to act as such, to appeal to the Justices of the Peace for the county at the next Quarter Sessions of the Peace after such cause of appeal shall have arisen, against such part of the rate only as may affect the parish or parishes, township or townships, place or places which are unequally rated, or which shall appear to be over-rated or under-rated, or omitted altogether from the rate: Provided always, that fourteen clear days notice in writing previous to the first day of such

* Now the county councils. See 51 & 52 Vict. c. 41, s. 3 (1).

† See 32 & 33 Vict. c. 57, s. 45 (1).

‡ See 62 & 63 Vict. c. 11, ss. 11 and 23 (3).

last-mentioned Quarter Sessions shall be given by the parties intending to appeal to the parties against whose rate the appeal is to be made, also to the clerk of the peace of the county, and the hundred constable, of the grounds of such appeal and the intention to try such appeal at such Quarter Session of the Peace; and the said Justices are hereby empowered to hear and finally determine the same, and either to confirm such parts of the rate as have been appealed against, or to correct such inequalities, disproportions, or omissions as shall be proved to exist therein, as well in respect of the basis or standard as in the assessment of the rate made thereon in such manner as to them the said Justices shall appear fair, just, and equitable, anything in this Act, or any former Act or Acts, or any law, usage, or custom, to the contrary thereof notwithstanding: Provided, nevertheless, that upon such appeal no such rate shall be quashed or destroyed in regard to any other parish, township, or place, unless in cases where the Justices of the Peace of any county in Quarter Sessions assembled, or the major part of them, shall deem it necessary to proceed to the making of an entire new rate, and shall proceed therein, according to the provisions of this Act.

Rate to be raised, notwithstanding appeals, until determination of Justices.

57 G. 3. c. 94. s. 2.

In case Justices order rate to be set aside, decreased or lowered;

Money paid subsequent to the time of appeal to be returned out of the general county rate.

23. From and after the passing of this Act, the county rate or rates made upon any parish, township, or place (whether extra-parochial or otherwise) shall be paid, and shall and may be levied, recovered, and received, notwithstanding any appeal or appeals may have been made to the Quarter Sessions of the Peace against any such rate or rates, and such rate or rates shall continue to be raised, levied, and received until the decision of the Justices shall be made upon such appeal or appeals: Provided always, that if upon the hearing of any such appeal or appeals the Court of Quarter Sessions of the Peace shall order any rate or assessment to be set aside, decreased, or lowered, and it shall appear to the said court that any parish, township, or place have or hath, previously to the determination of such appeal or appeals, paid any sum or sums of money in consequence of such rates or assessments which ought not to have been paid or charged therein, then and in every such case the said court shall order such proportion of such sum or sums of money as shall have been so paid by any person or persons, parish, township, or place, subsequently to the notice which shall have been given of such last-mentioned appeal or appeals, to be repaid and returned to the person or persons, parish, township, or place which have or hath paid the same respectively, out of the general rate of the county in which the cause of appeal shall have arisen.

Expenses of appeals or proceedings at law shall be paid in such proportions as the Justices or Courts of Law shall award.

24. Save as hereinbefore otherwise provided, in case of any appeals, actions, suits or proceedings at law respecting anything done in pursuance of this Act, or any other Act or Acts relating to the county rate, the expenses of all such appeals, actions, suits, or proceedings at law shall be borne and paid by such respective parishes, townships, places, and persons, or such of them, and in such proportions, as the said Justices shall, as they are hereby authorized to do, upon any appeal, in their Quarter Sessions award and order, or as such courts wherein such actions, suits, or proceedings shall be instituted shall, as they are hereby authorized to do, adjudge and order.

Costs may be awarded upon notices of appeal not prosecuted.

25. And for the more effectual preventing of frivolous appeals, be it enacted, That the Justices of the Peace in their Quarter Sessions assembled, upon proof before them there to be made of notice of any appeal having been given as herein-before authorized by any churchwarden or churchwardens, overseer or overseers,* or other person or persons (though he or they did not afterwards prosecute such appeal), shall and may at the same sessions award and order to the party to whom such notice shall appear to have been given, such costs and charges as by the said Justices in their discretion shall be thought reasonable and just to be

* See 62 & 63 Vict. c. 14, ss. 11 and 23 (3).

paid by the churchwardens, overseers,* or any other person by whom such notice shall have been given.

26. When and as often as the Justices of the Peace† within the respective limits of their commissions in England have made a county rate, a printed list‡ of the parishes and places assessed to such rate, and the amount of the rateable value upon which each such parish and place shall have been respectively assessed, shall be sent to the overseers of the poor,* constables, or other persons charged with the collection or levy of the county rate in every parish and place within the county, and such Justices, assembled at their General or Quarter Sessions,† or at any adjournment thereof, shall order precepts§ in the form shown in the Schedule annexed to this Act, or as near thereto as may be, to be issued to the guardians of every union of parishes, of which union any parish is situate within such limits, stating the sum or sums assessed and charged for each such rate on each parish in the union the whole of which parish is situate within such limits, and to the guardians of every single parish situate within such limits, stating the sum or sums assessed and charged on such parish for each such rate, and requiring the guardians of such union or parish respectively, within such time as may be limited in such precepts, to cause the aggregate of the said several sums so stated to be paid by them, out of the monies held by them on behalf of each such parish, to the treasurer of the county or place for which such Justices † act, and may cause such precepts to be sent, by post or otherwise, to such guardians; and such precepts shall have force in every such union, so far as concerns such parishes as are within the limits of the commission of the said Justices, notwithstanding that the place of meeting of such guardians may not be situated within such limits, and without being endorsed with the signature of any Justice of the Peace having ordinary jurisdiction in the place of meeting of the guardians; and such guardians shall raise the monies required by such precepts to be paid in like manner as the money required by such guardians for the relief of the poor, and shall pay such monies at the time limited and in the manner prescribed by such precepts; and if the treasurer of such guardians, or any person on his or their behalf, tender to the treasurer of the county or place for which such Justices † act the aggregate of the said several sums, or if he so tender the whole sum assessed on any such parish or parishes in respect of any such rate or rates, together with a copy of such precept in which are specified the parish or parishes and the rate or rates in respect of which the same is so tendered, the treasurer of the county shall receive the sum so tendered, notwithstanding that the sums required to be paid on behalf of other of such parishes or of other of such rates be not then tendered, and shall give a receipt for the sum or sums received by him accordingly, but he shall not receive any sum on behalf of any such parish less than the whole of the sum assessed and charged thereon in respect of one such rate; and the receipt of the treasurer of such county or place shall be a good discharge for the payment of the sums specified in any such precept or of any of them.

Justices of the Peace shall send precepts directly to guardians of unions for the payment of county rates.

Guardians to pay such rates.

County treasurer to receive the same.

27. In case guardians do not pay within the time limited in such precept the sum or sums of money therein required to be paid on behalf of any parish, the said Justices assembled as aforesaid† may cause to be issued and sent, by post or otherwise, to the overseers of the poor* of such parish, or to the petty constable or peace officer, or other person or persons empowered in any place to rate and levy the monies assessed as such county rate, warrants to collect and pay to the treasurer of the county or

If the guardians fail to pay such rates, the Justices may issue warrants to the overseers of parishes, etc. to pay the same.

* See 62 & 63 Vict. c. 14, ss. 11 and 23 (3).

† Now the county councils. See 51 & 52 Vict. c. 11, s. 3 (1).

‡ S. 2 of the County Rate Act 1866, enacts that "the said printed lists shall, unless the Justices otherwise direct, be sent only on the occasion when a new basis or standard for a county rate or an alteration in the existing basis or standard has been allowed and confirmed."

§ See 62 & 63 Vict. c. 14, s. 11 (2).

place in which such Justices * act, within a time to be named and limited in such warrants, the rate or rates charged on such parish or place respectively, together with an addition to such rate or rates in the proportion of one shilling to every ten; and such additional sum shall be applied and disposed of in like manner as the county rate; and such overseers of the poor,† petty constables, peace officers, or other persons may reimburse themselves, as well for such additional sums as for the original amount of rate or rates, out of the monies which they are respectively empowered to rate and levy for the purpose of such county rate; but shall not receive or take from the county rate, or any other rate, any allowance or compensation for their trouble or expenses incurred in collecting, levying, or paying such county rate.

If the overseers, etc., fail to pay, the Justices may levy the rate by distress and sale.

28. If any overseer,† petty constable, peace officer, or other person as aforesaid refuse, make default or neglect to pay to the treasurer of the county or place within the time limited as aforesaid, the sum or sums of money specified in the said warrants, and if the clerk of the peace or treasurer of the county or place make complaint thereof, then any Justice of the Peace of such county or place may by warrant under his hand levy the same by distress and sale of the goods of the offender; and the Justices assembled as aforesaid may pay to any clerk, constable, messenger, or other person who may have been employed in making such complaint, or in obtaining, drawing, or executing such warrant, such reasonable compensation out of the county stock as to the said Justices may seem fit.

Parishes not in arrear with contributions to be reimbursed by those which are in arrear.

29. In every case where any parish comprised in an union has, on or before the day on which any precept‡ as aforesaid should be obeyed, contributed money sufficient to enable the guardians of the union to pay any sum or sums required by such precept in respect of such parish, as well as to provide for the immediate relief of the poor of such parish, and to satisfy all other obligations of the said guardians in respect of such parish in force on that day, and where, through the default of any other parish or parishes in the same union in contributing money to such guardians, or through the neglect of such guardians to demand sufficient contributions from any other parish or parishes in the same union, the said guardians have applied the money of such first-mentioned parish to the use of such other parish or parishes, and are thereby rendered unable to pay any money so required by such precept on behalf of such first-mentioned parish, and such parish is by reason thereof compelled to pay the additional sum of one shilling in every ten, as herein-before provided, in every such case the guardians of the union shall reimburse such first-mentioned parish such additional sum, and all costs incurred by reason of the premises, out of the monies of such other parish or parishes which may next thereafter come into the hands of such guardians; and in case more than one parish be in default as aforesaid the said guardians shall charge such additional sum and costs to every such parish, in proportion to the amount of the deficiency of the contribution of each parish respectively on the day on which the said precept should have been obeyed.

Justices may issue precepts to the overseers of parishes, etc. not comprised in unions, or only partly within the jurisdiction of the Justices.

30. In the case of every parish not comprised within any union, and in which the laws for the relief of the poor are not administered by a Board of Guardians, and in the case of every parish comprised in a union, the guardians of which are not empowered to relieve the poor, and in the case of any parish comprised within a union, or in which the laws for the relief of the poor are administered by a Board of Guardians, of which parish a part only is situated within the limits of the commission of any Justices, for which part no separate rate is levied for the relief of the poor, or where there are no separate churchwardens or overseers of

* Now the county councils. See 51 & 52 Vict. c. 41, s. 3 (1).

† See 62 & 63 Vict. c. 14, ss. 11 and 23 (3).

‡ See 62 & 63 Vict. c. 14, s. 11 (2).

the poor, or where no separate or distinct rate is made and collected for the relief of the poor of any division or part of any parish, township, or place situated in and extending into two or more counties, ridings, or divisions, and in the case of every place not maintaining its own poor, but liable to the payment of county rates as aforesaid, the Justices * assembled as aforesaid may, so soon as any vacancy occurs in the office of High Constable, issue their warrant to the overseers,† petty constables, peace officers, or other persons empowered by law to rate and levy county rates in such parish, part of a parish, or place, to pay to the county treasurer, or to transmit to him in such manner as the said Justices may from time to time direct, within a time limited in such warrant, the county rate, as aforesaid charged on them, without the agency or intervention of any High Constable, and such Justices may cause such warrant to be sent by post or otherwise; and in case the said overseers, petty constable, peace officer, or other person refuse or neglect to pay any such rate within the time limited in such warrant, the same remedy may be had against them as is herein-before provided against overseers, petty constables, peace officers, or other persons refusing, making default, or neglecting to pay to the treasurer of the county or place, within the time limited, the rate or rates charged upon any parish in union, and omitted to be paid by the guardians of such union, in compliance with the precept issued by the Justices as aforesaid.

31—35. [*As to the collection of the county rate in parishes extending into two or more counties or situate partly within and partly without a borough. Not applicable to London.*]

36—37. [*As to the collection of the county rate where the office of High Constable has not become vacant. As to the High Constable giving security. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

38. [*As to repayment by borough treasurers of money expended by counties out of the county rates. Rep. 45 & 46 Vict. c. 50, s. 5.*]

39. Whenever precepts or warrants, as provided by this Act, are to be sent by post, the clerk of the peace ‡ shall send every such precept or warrant by post as a registered letter, according to the regulations of the Postmaster General in force for the time being in that behalf; and every precept or warrant delivered or tendered as a registered letter at the address of the person to whom it is addressed, whether a receipt be given for the same or not, shall be deemed to have been served on the person to whom the same was so delivered or tendered; and if delivered or tendered to the clerk or other like officer acting for any guardians, § shall be deemed to have been served on the whole of such guardians; and if delivered or tendered to any one overseer of a parish shall be deemed to have been served on the whole of the overseers of such parish.

Delivery of precepts, etc. by post, and evidence thereof.

40—43. [*As to the appointment of Justices to determine the boundaries between counties, and of a referee in case of difference between such Justices. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

44. [*Limitation of actions. Semble superseded by 56 & 57 Vict. c. 61.*]

45. Every person who in any manner wilfully resists or obstructs any overseer, collector, surveyor, or other person in the execution of his or their duty under this Act shall forfeit and pay any sum not exceeding five pounds, to be prosecuted and recovered before any two or more of Her Majesty's Justices of the Peace for the county wherein the offence is committed.

Penalty on persons obstructing overseers, etc.

* Now the county councils. See 51 & 52 Vict. c. 41, § 3 (1).

† See 62 & 63 Vict. c. 14, ss. 11 and 23 (3).

‡ Now, as regards London, the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 83 (11).

§ See 62 & 63 Vict. c. 14, s. 11 (2).

46. [*Penalties and forfeitures, costs, and charges, may be levied by distress and sale of offender's goods—As to committal of offender, and application of penalties. Rep. and replaced by the Summary Jurisdiction Act 1884, s. 4.*]

47—50. [*As to counties where rates have been regulated by particular Acts.—All business relating to the assessment and application of the county rate to be transacted in open court—Notice thereof to be given—Annual account of receipts and expenditure to be published. Rep. 55 & 56 Vict. c. 19 (S.L.R.).*]

The Act extended to all places having separate commission of the peace, and to all rates of the nature of county rates.

51. In the construction of this Act the word “county” shall mean and include any riding or division having a separate commission of the peace, or separate county treasurer, and any liberty, franchise, or other place in which rates in the nature of county rates may be levied, having a separate commission of the peace, and not subject to the jurisdiction of the county or counties at large in which such liberty, franchise, or place may lie, nor contributing or paying to the county rates made for such county or counties at large; and that the words “county rate” shall mean and include every rate or tax assessed in any county or any division of a county as aforesaid for all or any of the purposes to which county rate or stock is or may hereafter be made liable.

Construction of the words “parish,” “union,” “guardians.”

52. The word “parish” shall be construed to include any township, vill, or place maintaining its own poor, whether parochial or extra-parochial, or any part of a parish, township, vill, or other place for which a separate poor rate may be made; the word “union” shall be construed to mean and include any number of parishes united under the Act passed in the fifth year of the reign of His late Majesty King William the Fourth, “for the Amendment and better Administration of the Laws relating to the Poor in England,” or under an Act passed in the twenty-second year of the reign of His late Majesty King George the Third, “for the better Relief and Employment of the Poor,”* or under any local Act; and the word “guardians” shall mean and include any board of guardians acting under the provisions of the said Act passed in the fifth year of His late Majesty King William the Fourth, and empowered to relieve the poor of any parish or union, and the visitors, guardians, directors, managers, acting guardians, vestrymen, or other officers in a union appointed to act in the ordering of relief of the poor from the poor rate under any general or local Act of Parliament; and the word “hundred” shall mean and include any hundred, wapentake, ward, or other district in the nature of a hundred, by whatever name denominated.

SCHEDULE to which this Act refers.

Form of Precept.

County of	}	To the Guardians of the	Union.
to wit.			

These are to require you, the Guardians of the Union, from and out of the monies paid into the hands of the treasurer of your union for the uses and purposes of the said union, to pay or cause to be paid, on or before the day of into the hands of A.B., treasurer of the said county, appointed to receive the same, the sum of being the amount of the several and respective sums of money hereunder set down and expressed opposite to and against the names of the several parishes, townships, or places comprised within your said union, the said several sums being respectively charged and assessed thereon as the

* Rep. 34 & 35 Vict. c. 116 (S.L.R.).

proportion of the several parishes, townships, or places towards the general county rate, at _____ in the pound, made at the last Quarter Sessions [or General Sessions] of the Peace held at _____ in and for the said county.

[Signature of the Clerk of the Peace.*]

NAMES OF PARISHES.	County Rate, at in the Pound.
	£ s. d.

CHAPTER 84.

†AN ACT TO MAKE BETTER PROVISION RESPECTING THE SUPPLY OF WATER TO THE METROPOLIS. [1st July 1852.]

[Preamble rep. 55 & 56 Vict. c. 19 (S.L.R.).]

1. . . . It shall not be lawful for any company supplying the metropolis or any part thereof with water for domestic use, ‡ . . . to take any water for such purpose from any part of the River Thames below Teddington Lock, or from any part of any of the tributary rivers or streams of the River Thames below the highest point where the tide flows in such tributary rivers and streams respectively. . . . [Parts omitted (the words "from and after the 31st day of August 1855;" and provisions as to the Chelsea Water Company) rep. 38 & 39 Vict. c. 66 (S.L.R.).]

Restriction as to sources of supply of water to the metropolis.

2. . . . Every reservoir within a distance in a straight line from Saint Paul's Cathedral in the city of London of not more than five miles, in which water for the supply for domestic use ‡ of the metropolis or any part thereof is stored or kept by any company, shall be roofed in or otherwise covered over: Provided always, that this provision shall not extend to any reservoir the water from which is subjected by the company to efficient filtration after it is discharged from such reservoir, and before it is passed into the mains or pipes of the company for distribution, or to any reservoir the whole of the water from which is distributed through distinct mains or pipes for other than domestic purposes, nor to any reservoir whatever the water stored in which shall be used exclusively for other than domestic purposes. [Words omitted ("from and after the 31st day of August 1855") rep. 38 & 39 Vict. c. 66 (S.L.R.).]

Reservoirs, within a limited distance, to be covered.

3. . . . No water shall be brought or conducted within the metropolis by any company for the purpose of domestic use ‡ otherwise than through pipes or through covered aqueducts, unless the same shall be afterwards filtered before distribution. [Words omitted ("from and after the 31st day of August 1855") rep. 38 & 39 Vict. c. 66 (S.L.R.).]

Water not to be brought within a limited distance in open aqueducts.

4. . . . Every company shall effectually filter all water supplied by them within the metropolis for domestic use, ‡ before the same shall pass into the pipes for distribution, excepting any water which may be pumped from wells into a covered reservoir or aqueduct, without exposure to the atmosphere, and which shall not be afterwards mixed with unfiltered water. [See 34 & 35 Vict. c. 113, s. 36. Words omitted ("from and after the 31st day of August 1855") rep. 38 & 39 Vict. c. 66 (S.L.R.).]

Every company to filter all water supplied by them for domestic use.

* Now, as regards London, the Clerk of the London County Council. See 51 & 52 Vict. c. 41, s. 83 (11).

† The word "said," wherever occurring in this Act before "Board of Trade," is repealed by 55 & 56 Vict. c. 19 (S.L.R.).

‡ See 54 & 55 Vict. c. 76, s. 50.

Company to give notice to Board of Trade before resorting to new sources of supply, who may thereupon appoint an inspector to report.

Inspector to give notice to companies of his intention to visit new sources.

Board of Trade to certify their approval or disapproval of new sources.

If Board of Trade disapprove, company not to use new source of supply.

On complaint as to quantity and quality, Board of Trade may appoint a person to inquire and report.

Powers of person appointed.

Penalty for obstructing inspector.

If complaint well founded, notice to be given to company.

5. Three months before any company shall resort to any new source of supply, such company shall give notice in writing thereof to . . . the Board of Trade,* and thereupon, within one month after receipt of such notice, the . . . Board of Trade* shall, if they think fit, appoint a competent person as an inspector, who shall report with respect to any sources then specially authorized by Parliament, whether the directions of the special Act have been complied with in reference thereto, and with respect to any new sources not specially authorized by Parliament, whether the same are capable of supplying good and wholesome water for domestic purposes. [*Words omitted* ("the Lords of the Committee of Privy Council for Trade and Plantations, hereinafter called") *rep.* 55 & 56 *Vict. c.* 19 (*S.L.R.*.)]

6. The inspector so appointed as aforesaid shall within ten days after such appointment give notice in writing to the company thereof, and of the time at which he proposes to visit and inspect the said sources, and thereupon, in order to enable him to make such report as aforesaid, it shall be lawful for the said inspector to enter the lands wherein such sources respectively are situate, and to examine and make inquiry touching the premises.

7. The Board of Trade* shall, within twenty-one days after the receipt from the said inspector of his report, send to such company with respect to any such new sources of supply not specially authorized by Parliament a certificate in writing of their approval or disapproval thereof, and with respect to any such sources as shall then be specially authorized by Parliament a notice in writing stating whether in the judgment of the . . . Board of Trade* the directions of the special Act have in reference thereto been complied with.

8. After the company shall have received a certificate that the . . . Board of Trade* disapproves of any such new source of supply not specially authorized by Parliament as aforesaid, it shall not be lawful for the company to use the said source, and after receipt of such notice as aforesaid that in the judgment of the . . . Board of Trade* the directions of the special Act with reference to any sources then specially authorized by Parliament have not been complied with, it shall not be lawful for the company, before complying with such directions with reference to such source, to use the same.

9. If at any time complaint as to the quantity or quality of the water supplied by any company for domestic use† be made to the Board of Trade* by memorial in writing signed by not less than twenty inhabitant householders paying rents for and supplied with water by the company, it shall be lawful for the Board of Trade,* at any time within one month after the receipt of such complaint, to appoint a competent person to inquire into and concerning the grounds of such complaint, and to report to the Board of Trade* thereon. [*Amended* 34 & 35 *Vict. c.* 113, s. 35.]

10. The person so appointed as aforesaid shall, within three days after such appointment, give notice thereof in writing to the company, and after such notice as aforesaid he shall have power to inspect and examine the waterworks of the company, and to inquire into and concerning the grounds of such complaint; and the company and their officers shall afford all reasonable facilities for such inspection, examination, and inquiry.

11. Any person obstructing such inspector in the due prosecution of such inspection, examination, or inquiry, shall forfeit and pay any sum not exceeding ten pounds.

12. If after receipt of such report it shall appear to the Board of Trade* that the said complaint is well founded, the Board of Trade* shall give notice thereof in writing to the company.

* The Local Government Board is substituted for the Board of Trade wherever the latter expression occurs in this Act by the Public Health Act 1872, s. 35; Public Health Act 1875, s. 343, and Sch. V. Part III.; and 54 & 55 *Vict. c.* 76, s. 142.

† See 54 & 55 *Vict. c.* 76, s. 50.

13. After the receipt of such notice the company shall and they are hereby required within a reasonable time to remove the grounds of such complaint. Company to remove ground of complaint.

14. Every steam engine, furnace, or other work in which coals which produce smoke during combustion shall be consumed by any company for the purpose of the waterworks shall be constructed on the most effectual principle for consuming its own smoke. Engines to consume their own smoke. [See also 54 & 55 Vict. c. 76, s. 23.]

15. [Provisions as to constant supply of water. Rep. 34 & 35 Vict. c. 113, s. 5 (see *ibid.* s. 7); 55 & 56 Vict. c. 19 (S.L.R.); and 2 Edw. 7, c. 41, s. 38.]

16. Any company which shall violate, refuse, or neglect to comply with any of the provisions herein before contained shall forfeit to Her Majesty the sum of two hundred pounds, and the further sum of one hundred pounds for every month during which they shall continue to violate or to refuse or neglect to comply with the same after they shall have received notice in writing from the Board of Trade* to discontinue such violation, refusal, or neglect as aforesaid. Penalty for non-compliance with the provisions of the Act.

17. Every company shall, within one year after the passing of this Act, cause a map to be made of the district within which any mains or district mains shall have been laid down or formed by them on a scale not less than six inches to a mile, and shall cause to be marked thereon the course and situation of all existing mains and district mains, and shall, within six months from the making of any alterations or additions, cause the said maps to be from time to time corrected, and such additions made thereto as may show the line and situation of all such mains and district mains as may be laid down or formed by them from time to time . . . ; and such map, or a copy thereof, with the date expressed thereon of the last time when the same shall have been so corrected as aforesaid, shall be kept in the principal office of each company, and shall be open to the inspection of all persons interested in the same within the said district, who shall be at liberty to take copies of or extracts from the same. [Amended 34 & 35 Vict. c. 113, s. 49. See also 28 & 29 Vict. c. 90, s. 32. Words omitted ("after the passing of this Act") rep. 55 & 56 Vict. c. 19 (S.L.R.).] Map of underground works of the companies to be made, and kept at principal office of each company, and be open to inspection.

18. Every company, on the application of any person supplied with water by such Company, shall furnish to such person the particulars of any district main from which such person is supplied, together with the names of the streets through which such district main passes, and the commencement and termination thereof. [Amended 34 & 35 Vict. c. 113, s. 49.] Companies to furnish particulars of district mains when required.

19—22. [Account of rates levied by companies to be open to public inspection.—As to proceedings to enforce this Act—Cisterns to be supplied with proper apparatus. Rep. 34 & 35 Vict. c. 113, s. 5, and 2 Edw. 7, c. 41, s. 38.]

23. Every cistern or other receptacle for water, and every closet, soil-pan, and private bath which shall be supplied with water by any company, shall be so constructed and used as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the company, or into any pipes connected or communicating therewith; and notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, no company shall be bound to supply water into any cistern or other receptacle for water, closet, soil-pan, or private bath, etc. which shall not be so constructed and used. Cisterns, closets, and baths to be so constructed as to prevent waste or the flow or return of impure matter into the mains.

24. No person shall make or lay down, or permit to be made or laid down, any pipe or other means or contrivance for taking, using, or obtaining water to communicate with any pipe or apparatus connected with any of the mains or pipes of any company without giving such notice, and except under such superintendence, and according to such Restricting communication with pipes of the company.

* See note to s. 5.

direction as is provided by "The Waterworks Clauses Act, 1847," with respect to the communication pipes to be laid by the inhabitants. [*See the Waterworks Clauses Act 1847, ss. 48—52; and the Waterworks Clauses Act 1863, s. 19.*]

Water may be cut off in certain cases.

25. If any person supplied with water by any company shall wilfully do or cause to be done any act, matter, or thing in contravention of the provisions of this Act, or of the special Act relating to such company, or of any Act incorporated therewith, or shall wilfully omit or neglect to do any matter or thing which under such provisions ought to be done for the prevention of the waste, misuse, or undue consumption, or the contamination of the water of the company, it shall be lawful for the company to turn off the water supplied by them to such person, and to cease to supply such person with water, and also to recover from such person by action or suit in any court of competent jurisdiction the amount of any loss, damage, or injury which such company may sustain by means or in consequence of any such act, matter, or thing as aforesaid, or of any such wilful omission or neglect as aforesaid. [*See the Waterworks Clauses Acts 1847, ss. 54, 57, & 74, and 1883, s. 16; the Water Companies (Regulations of Powers) Act 1887; 34 & 35 Vict. c. 113, s. 32; and 54 & 55 Vict. c. 76, s. 49.*]

Regulations to be made with approval of Board of Trade.

26. It shall be lawful for any company from time to time . . . to make such regulations* as shall be necessary or expedient for the purpose of preventing the waste or misuse of water, and therein, amongst other things, to prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus to be used, and to interdict any arrangements, and the use of any pipes, cocks, cisterns, or other apparatus, which may tend to such waste or misuse as aforesaid. [*Words omitted ("with the approval of the Board of Trade") rep. 38 & 39 Vict. c. 66 (S.L.R.).*]

27. [*Parish officers, with consent of vestry, may require inhabitants to procure supply of water. Rep. 34 & 35 Vict. c. 113, s. 5, and 2 Edw. 7, c. 41, s. 38.*]

Short title.

28. In citing this Act in other Acts and in legal instruments it shall be enough to use the expression "The Metropolis Water Act, 1852."

Interpretation of terms.

29. In the construction of this Act the expression "company" shall mean and include any of the companies herein-after enumerated; (that is to say,) the Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called "The New River Company †;" the Company of Proprietors of the East London Waterworks ‡; the Southwark and Vauxhall Water Company †; the West Middlesex Waterworks Company †; the Lambeth Waterworks Company †; the Governor and Company of Chelsea Waterworks †; the Grand Junction Waterworks Company †; the Company of Proprietors of the Kent Waterworks †; and the Hampstead Waterworks Company ‡; and also any other company, board, commissioner, association, person or partnership, corporate or unincorporate, for the time being supplying the metropolis or any part thereof with water for domestic use §; the expression "the special Act" shall mean and include this Act, and every and any Act of Parliament relating to the company referred to; and the expression the "metropolis" || shall mean and include all places described or referred to in the Schedule to this Act.

* See 34 & 35 Vict. c. 113, ss. 17—25.

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41, s. 1.

‡ This company apparently ceased to exist about 1853, and their area was subsequently supplied by the New River Company.

§ See note on s. 1.

|| See 60 & 61 Vict. c. 56, s. 3.

The SCHEDULE above referred to.

All such places lying on the north side or left bank of the River Thames as are within the exterior boundaries of and are within the ambit formed by the parishes of Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, Poplar, and Shadwell.

Such part of the parish of Chelsea as lies north of the said parish of Kensington.

And such parts and places lying on the south side or right bank of the said river as are within the exterior boundaries of and are within the ambit formed by the parishes of Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, Wandsworth, and Putney.

24 & 25 VICTORIA. A.D. 1861.

CHAPTER 98.

AN ACT TO CONSOLIDATE AND AMEND THE STATUTE LAW OF ENGLAND AND IRELAND RELATING TO INDICTABLE OFFENCES BY FORGERY.*

[6th August 1861.]

As to forging Exchequer Bills, &c. :—

8. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer bill or Exchequer bond or Exchequer debenture, or any indorsement on or assignment of any Exchequer bill or Exchequer bond or Exchequer debenture, or any receipt or certificate for interest accruing thereon, with intent to defraud, shall be guilty of felony, and being convicted thereof shall be liable . . . to be kept in penal servitude for life. . . . [Parts omitted (the words “at the discretion of the Court” and as to alternative periods of imprisonment) *rep.* 55 & 56 *Vict.* c. 19 (*S.L.R.*), and 56 & 57 *Vict.* c. 54 (*S.L.R.*).] Forging Exchequer bills, bonds, and debentures, etc.

9. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his custody or possession, any frame, mould, or instrument having therein any words, letters, figures, marks, lines, or devices peculiar to and appearing in the substance of any paper provided or to be provided or used for Exchequer bills or Exchequer bonds or Exchequer debentures, or any machinery for working any threads into the substance of any paper, or any such thread, and intended to imitate such words, letters, figures, marks, lines, threads, or devices, or any plate peculiarly employed for printing such Exchequer bills, bonds, or debentures, or any die or seal peculiarly used for preparing any such plate, or for sealing such Exchequer bills, bonds, or debentures, or any plate, die, or seal intended to imitate any such plate, die, or seal as aforesaid, shall be guilty of felony, and being convicted thereof shall be liable . . . to be kept in penal servitude for any term not exceeding seven years. . . . [See note on s. 8.] Making plates, etc. in imitation of those used for Exchequer bills, etc.

10. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make, or cause or procure to be made, or aid or assist in making, any paper in the substance of which shall appear any words, letters, figures, marks, lines, threads, or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for such Exchequer bills, bonds, or debentures, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, or shall knowingly have in his custody or possession any paper whatsoever, in the substance whereof shall appear Making paper in imitation of that used for Exchequer bills, etc.

* Short title, “The Forgery Act, 1861.” See the Short Titles Act 1896.

any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any parts of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, or shall cause or assist in causing any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, to appear in the substance of any paper whatever, or shall take or assist in taking any impression of any such plate, die, or seal as in the last preceding section mentioned, shall be guilty of felony, and being convicted thereof shall be liable . . . to be kept in penal servitude for any term not exceeding seven years. . . . [See note on s. 8.]

Having in possession paper, plates, or dies to be used for Exchequer bills, etc.

11. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall purchase or receive, or knowingly have in his custody or possession, any paper manufactured and provided by or under the directions of the Commissioners of Inland Revenue or Commissioners of Her Majesty's Treasury, for the purpose of being used as Exchequer bills or Exchequer bonds or Exchequer debentures, before such paper shall have been duly stamped, signed, and issued for public use, or any such plate, die, or seal as in the last two preceding sections mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding three years, with or without hard labour.

25 & 26 VICTORIA. A.D. 1862.

CHAPTER 103.

AN ACT TO AMEND THE LAW RELATING TO PAROCHIAL ASSESSMENTS IN ENGLAND. [7th August 1862.]

[Preamble rep. 56 Vict. c. 14 (S.L.R.).]

Interpretation.

1. The words used in this Act shall be construed in like manner as the words contained in the Act fourth and fifth of King William the Fourth, chapter seventy-six,* and the word "committee" shall signify the assessment committee provided for by this Act; and this Act shall be termed "The Union Assessment Committee Act, 1862."

Appointment of the Assessment Committee by Board of Guardians.

2. The board of guardians of every union, formed under the Act fourth and fifth years of King William the Fourth, chapter seventy-six, shall, . . . in every . . . year, at their first meeting after the annual election of guardians, appoint from among themselves any number not less than six nor more than twelve to be a committee, . . . to be called the assessment committee of the union, for the investigation and supervision of the valuations to be made as herein-after mentioned within such union, and for the performance of such said acts and duties as herein-after mentioned. . . . [See 32 & 33 Vict. c. 67, s. 5, and 62 & 63 Vict. c. 14, ss. 12—13. *Parts omitted (the words "as soon as convenient after the passing of this Act and" and "subsequent," and as to ex-officio guardians) rep. 56 Vict. c. 14 (S.L.R.) and 56 & 57 Vict. c. 73, s. 89. See ibid. s. 20.]*

3. [Provision that where a union has the same bounds as a borough the names of the assessment committee are to be transmitted to the town

* As to meaning of words, see 32 & 33 Vict. c. 67 (which incorporates this Act), s. 4. The word "owner," which is not defined in 32 & 33 Vict. c. 67, s. 4, is defined in the Poor Law Amendment Act, 1834 (4 & 5 Will. 4, c. 76), s. 109, as follows: "109. . . . The word 'owner' shall be construed to include any person for the time being in the actual occupation of any property rateable to the relief of the poor and not let to him at rack rent, or any person receiving the rack rent of any such property either on his own account or as mortgagee or other incumbrancer in possession; and the words 'rack rent' shall be construed to mean any rent which shall not be less than two thirds of the full improved net annual value of any property. . . ."

council, who may appoint additional members not exceeding the number appointed by the guardians. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.]

4. If the guardians shall neglect or be prevented from making such appointment at the meeting above specified, the Poor Law Board * shall by their order appoint some other day on which the guardians shall make such appointment.

Provision for neglect to appoint.

5. If any . . . guardian being a member of the committee cease to be guardian, or resign his seat at such committee, or die, or become incapable of acting as such member, the board of guardians shall with all convenient speed appoint a . . . guardian . . . to supply the vacancy. [*Parts omitted (as to ex-officio guardians) rep. 56 & 57 Vict. c. 73, s. 89. See ibid. s. 20.*]

Provision for vacancies.

6. During any vacancy in any assessment committee the other or continuing members of such committee may act, and shall have the same powers and jurisdiction as if no such vacancy had happened.

Continuing members may act during vacancies.

7. The authority of the committee appointed for any union under this Act shall extend over every parish comprised in such union.

8. The committee shall hold their first meeting at the board room of the union on a day to be fixed by the board of guardians, and the subsequent meetings of the committee shall be holden at such times and at such place and upon such notice and requisition as they shall from time to time appoint; and any guardian of the union may be present at any meeting of the committee, but shall not be entitled to take part in the proceedings thereof.

Extent of committee's authority. First meeting, when to be holden.

9. All acts, orders, matters, and things by this Act authorized or directed to be made or done by the committee may be made or done by the major part of the members of such committee who shall be present at a meeting, the whole number present together at such meeting not being less than three, and not less in any case than one-third of the whole number of which such committee consists; and when upon any question there shall be an equality of votes the presiding chairman shall have a second or casting vote.

Quorum of meetings.

10. The committee shall employ the clerk or assistant clerk of the board of guardians as their clerk, with such remuneration for his services as the Poor Law Board shall sanction. [*See note on s. 4.*]

Committee may employ and pay clerk.

11. The committee shall cause a minute of their proceedings, and of the names of the members who attend each meeting, to be duly made from time to time in books to be provided for that purpose, which shall be kept by their clerk, under their superintendence, and every such entry shall be signed by the presiding chairman of the assessment committee present at the meeting at which the proceeding took place †; and such entry, purporting to be so signed, shall be received as evidence in all courts, and before all Judges, Justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the committee, or of the signatures of the members, all of which facts shall be presumed until the contrary be proved; and all such books shall at all reasonable times be open to the inspection of every person rated to the relief of the poor in any parish or place in the union, without any fee being demanded for such inspection; and all such persons shall be entitled at all reasonable times to take copies or extracts from the said books, without paying any fee for the same; and if, on request made for that purpose, the clerk of the committee refuse to permit any such person to inspect any such books, or to take copies or extracts therefrom, as aforesaid, such clerk shall for every such offence be

Proceedings to be entered in books and signed;

Such entries evidence.

Books to be open to inspection.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

† See, as regards London, 32 & 33 Vict. c. 67, ss. 67 and 74.

liable to a penalty not exceeding five pounds, upon a summary conviction for the same before two Justices of the Peace. [See 27 & 28 Vict. c. 39, s. 4.]

Proceedings of committees to be reported.

12. The board of guardians shall in the month of April in every year report the proceedings of their assessment committee to the Poor Law Board. [See note on s. 4.]

Committee may require returns from overseers, etc.;

13. The committee by their order may from time to time require the overseers, assistant overseers, constables, assessors, collectors, and any other persons having the custody of any books of assessment of any taxes or rates, parliamentary or parochial, or of the valuations of any parish, or having the collection or management of any such taxes or rates, to make returns in writing to the committee, at such times and places as they may appoint, of all such particulars as they may direct in relation to such taxes, rates, or valuations, or any property included therein, so far as relates to the union for which they act, and may require the persons having the custody of any such books as aforesaid to make and transmit to the committee copies of or extracts from such books, or to permit such copies or extracts to be made by such persons as the committee may in that behalf direct; and may from time to time require any persons having the custody of any such books, or the collection or management of any such taxes or rates as aforesaid, to attend before them at a time and place to be mentioned in the order in this behalf, and to produce all parochial and public books of assessment, rates, rate books, valuations, apportionments, tithe and other maps, plans, surveys, and other public documents in their custody or power, and may examine all persons who shall attend before them: Provided always that nothing herein contained shall authorize the production of valuations or assessments which by any provision of law at present are not suffered to be made public. [See 32 & 33 Vict. c. 67, s. 57.]

and may require production of rates, etc., and examine persons attending before them.

14—15. [Overseers to prepare valuation lists, and provisions relating thereto. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77. See *ibid.* ss. 6, et seq.]

16. [As to enlarging the time for making the first valuation lists, and as to the revision of valuations and valuation lists. Spent in part; remainder not applicable to London.]

Valuation lists to be deposited for inspection, and afterwards transmitted to the committee.

17. The valuation list for each parish, made and signed by the overseers, or delivered to them, as herein-before provided, shall be deposited by the overseers in the place in such parish in which rate books are deposited or kept, . . . and the overseers shall give public notice of the deposit of such list on the Sunday next following* the deposit of such list, and such notice shall be given in the same manner, and all persons assessed or liable to be assessed to the relief of the poor of such parish shall have the like right of inspecting, and of demanding and taking copies of and extracts from such list, as in the case of a poor rate allowed by the Justices,† and the overseers shall, at the expiration of fourteen days‡ from the time of the notice given of the deposit of such list, transmit the same to the committee, and any overseer or other ratepayer within the union shall have the right of inspecting and taking copies of and extracts from any of the lists so transmitted. [Words omitted ("and a copy of such valuation list shall be forthwith delivered to the board of guardians") rep., as regards London, 32 & 33 Vict. c. 67, s. 77.]

* See 32 & 33 Vict. c. 67, s. 66.

† See the Poor Rate Act 1743, s. 2, which is as follows: "2. And . . . the churchwardens and overseers of the poor or other persons authorised as aforesaid, in every parish, township, or place, shall permit all and every the inhabitants of the said parish, township, or place to inspect every such rate at all seasonable times, paying one shilling for the same, and shall, upon demand, forthwith give copies of the same, or any part thereof, to any inhabitant of the said parish, township, or place, paying at the rate of sixpence for every twenty-four names."

‡ See 32 & 33 Vict. c. 67, s. 42 (2).

18. Any overseer or overseers of any parish in any union who shall have reason to think that such parish is aggrieved by the valuation list of any parish within such union, or any person who may feel himself aggrieved by any valuation list on the ground of unfairness or incorrectness in the valuation of any hereditaments included therein, or on the ground of the omission of any rateable hereditament from such list, may at any time after the deposit as aforesaid of such list, and before the expiration of twenty-eight days* after the notice of the deposit as aforesaid, give to the committee and to the overseers a notice in writing of his objection, specifying the grounds thereof, and where the ground of any objection shall be unfairness or incorrectness in the valuation of any hereditament in respect of which any person, other than the person objecting, is liable to be rated, or the omission of such hereditament, also give notice in writing of such objection, and of the ground thereof, to such other person.

Objections to valuation list.

19. The committee shall hold such meetings as they may think necessary for hearing objections to the valuation lists, and shall, twenty-eight days at least before holding every meeting for hearing objections to valuation lists, other than meetings by adjournment, cause notice of such meeting to be given to the overseers of the several parishes to which such lists relate, and such overseers shall, on the Sunday next following the receipt of such notice, publish the same in the manner in which notice of a rate allowed by Justices is by law required to be given, and the committee may at any such meeting hear and determine such objections, or may from time to time adjourn any such meeting, and adjourn or postpone the hearing or further hearing and determination of any such objections, and may, where they think fit, direct notice of any such objections to be given by the overseers or by the persons objecting to third parties before the further hearing thereof; but the committee shall not be required to hold a meeting for hearing objections to the valuation list of any parish, unless such notice in writing as herein-before mentioned of some objection or objections thereto have been given to the committee; and where a meeting is holden for hearing objections to the valuation list of any parish, the committee shall not hear any objection to such valuation list unless such notice as aforesaid of such objection have been given to the committee and to the overseers; and where the ground of such objection is unfairness or incorrectness in the valuation of any hereditament of any other person than the person objecting, or the omission of such hereditament, also to such other person by the person objecting, except where the overseers, by themselves or any other person on their behalf, and in the case aforesaid such other person as aforesaid, by himself or any other person on his behalf, consent to the hearing of such objection, and in such case the committee may, if they see fit, hear the same; and where the committee see fit to hear the same they shall act in relation thereto in like manner as if notice of such objection had been duly given.

Committee to hold meetings to hear objections.

20. The committee may, whether any objection be or be not made to any such valuation list, and either before or after any meeting for hearing objections, make such alterations in the valuation of any hereditaments included in any valuation list, and insert therein any rateable hereditament omitted therefrom, and make such corrections in names, descriptions, and particulars in any valuation list, and upon such information, as to them may seem sufficient, and may, with the consent of the guardians as aforesaid, appoint or employ a person to survey and value the rateable hereditaments comprised in any such valuation list or any of them, or omitted therefrom, or may take such other means as they may think necessary for ascertaining the correctness thereof; and when the committee have heard and determined all such objections as aforesaid, and have made such alterations, insertions, and corrections in any valuation list as to them may seem proper, they shall approve the same under the hands of

Committee may direct further valuation and correct valuation lists, and when corrected to approve the same.

* See 32 & 33 Vict. c. 67, s. 12 (3).

three members of the committee present at the meeting at which the same is approved, with the date of such approval.

Valuation list when altered to be deposited, etc.

21. Where the committee make any alteration in the valuation of any hereditaments included in, or insert therein any rateable hereditament omitted from, any such valuation list, they shall cause such valuation list, with such alteration or insertion, to be deposited for inspection in manner herein-before provided concerning the valuation list made by or delivered to the overseers, and shall cause the like notice to be given of such deposit as is required in the case of a valuation list so made or delivered as aforesaid, and shall appoint a day, not less than seven days nor more than fourteen days from the re-deposit of such valuation list, for the hearing of any objections to the valuation list as so altered; and when the committee have heard and determined any such objections, or have made such further alterations, insertions, and corrections in such valuation list, they shall approve the same in manner herein-before provided.

22—27. [*Provisions as to the alteration of valuation lists if a rate is amended on appeal—Custody of valuation list—As to what shall be deemed the valuation list in force, and as to new valuations and supplemental valuation lists. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

After a valuation list is approved no rate to be allowed unless made according to such list.

28. . . . Provided always, that where by reason of any alteration in the occupation of any property included in such list such property has become liable to be rated in parts not mentioned in such list as rateable hereditaments, and separately rated therein, such parts may, where a supplemental valuation list showing the annual rateable value of such parts has not been approved and delivered as herein-before required, and whether such list has or has not been made, be rated according to such amounts as shall be fair apportioned parts of the annual rateable value appearing in such valuation list in force as aforesaid of the hereditaments out of which such parts have been constituted. [*Part omitted (provision that after a valuation list is approved no rate shall be allowed unless made according to such list) rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

29. [*Provision as to places under local Acts. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

In computing amount of contributions to common fund the annual rateable value to be taken from approved valuation lists.

30. When the assessment committee for any union shall have approved valuation lists for all the parishes comprised within such union, the guardians of such union, in computing the amount of contribution to the common fund for the several parishes, shall thenceforward take the annual rateable value of the property in such parishes respectively from the valuation lists for the time being lastly approved of for such parishes respectively, any statute to the contrary notwithstanding: Provided that in case any parish comprised in any union shall receive any sum of money as a contribution in aid of the poor rate of such parish, for or in respect of government property within such parish and used for public purposes, the annual value of such property according to the estimate (if any) of such value on which the amount of the sum of money so received is computed, or, if there be no such estimate, then the annual value of such property, estimated in the mode provided by the Act sixth and seventh William the Fourth, chapter ninety-six, for making an estimate of the annual rateable value of property liable to be rated to rates for the relief of the poor, shall be included by the overseer or overseers in the valuation list of such parish, and shall be added to the annual rateable value of the property in such parish in computing the amount of contribution to the common fund for the several parishes in such union.

31—36. [*As to deposit of copies of valuation lists—As to appeals against such lists—The Act not to prevent compositions for rates—Saving of exemptions and special rules of rating. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

Board may allow compensation for

37. The committee may allow such compensation for any returns, copies, or extracts, or any valuation, or valuation list, or other act,

matter, or thing to be made or done in pursuance of their order, and such expenses connected therewith, as to the committee in each case seems just. returns,
etc. and
expenses.

38. The remuneration allowed by the committee to their clerk and all expenses incurred by them for the common use and benefit of the several parishes within the union for which they are appointed, shall be paid by the guardians of the said union, and be charged upon the common fund thereof. Remuneration to clerk and certain expenses of committee to be paid out of common fund.

39. [*Expenses of valuation to be paid out of poor rates. Rep. 32 & 33 Vict. c. 67, s. 77.*]

40. Every person who wilfully refuses to attend in obedience to any lawful order of any such committee, or to give evidence, or refuses to produce any rate book, assessment, or valuation which may be lawfully required to be produced before such committee, shall for every such offence be liable to a penalty not exceeding twenty pounds upon a summary conviction for the same before two Justices of the Peace; and every person who wilfully injures, defaces, conceals, or destroys such rate book, or who upon any examination before any such committee wilfully gives false evidence, shall be deemed guilty of a misdemeanor. Penalty for non-attendance, etc., in obedience to order of the committee. Injuring, etc., rate books a misdemeanor.

41—43. [*As to authentication and service of orders and notices. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

44. All the powers, authorities, provisions, clauses, and regulations now in force relating to the assessment, collection, and levying of poor rates (save so far as the same are hereby repealed or altered) shall be good, valid, and effectual for the purposes of assessing, levying, collecting, and enforcing the payment of such rate and for carrying this Act into execution. Provisions concerning the assessment, etc., of poor rates to be applicable to rates made according to this Act.

45. [*Power for unions under 22 Geo. 3, c. 83,* or local Acts to be included in this Act. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

46. This Act shall extend only to England. Extent of Act.

SCHEDULE.—[*Forms of valuation list and of declaration to be added to the rate. Superseded, as regards London, 32 & 33 Vict. c. 67, s. 51, and 2nd Schedule.*]

26 VICTORIA. A.D. 1863.

CHAPTER 13.

AN ACT FOR THE PROTECTION OF CERTAIN GARDEN OR ORNAMENTAL GROUNDS IN CITIES AND BOROUGHs.† [4th May 1863.]

[*Preamble.*]

1. Where in any city or borough any enclosed garden or ornamental ground has been set apart otherwise than by the revocable permission of the owner thereof in any public square, crescent, circus, street, or other public place, for the use or enjoyment of the inhabitants thereof, and where the trustees, commissioners, or other body appointed for the care of the same have neglected to keep it in proper order, or where such garden or ground has not been vested in or placed under the management of any trustees, commissioners, or other body for the care of the same, and from the want of such care, or from any other cause, has been neglected, the Metropolitan Board of Works,‡ where the same is in any place under their jurisdiction, except the city of London (where the provisions of this Act shall be carried into effect by the Corporation of the said city), and the corporate authorities in any other city or borough, shall take Gardens in certain squares, etc., may be freed from neglect, encroachments, etc., and vested in the Metropolitan Board of Works or other corporate authority:

* Rep. 31 & 35 Vict. c. 116 (S.L.R.).

† Short title, "The Town Gardens Protection Act, 1863." See the Short Titles Act 1896.

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (5).

or vested in a
committee
of rated
inhabitants.

charge of the same, putting up a notice or notices to that effect in such garden or ornamental ground, and if after due inquiry the person entitled to any estate of freehold in the same cannot be found, or if it shall be vested in any person by whom it is held, subject to any condition or reservation for keeping the same as and for a garden or pleasure ground, or that the same shall not be built upon, but not otherwise, shall cause any buildings or other encroachment made therein within the period of twenty years before the passing of this Act to be removed, and (if requested by a majority of two thirds of the owners and of the occupiers of the houses surrounding the same) shall vest such garden or ornamental ground in a committee consisting of not more than nine nor fewer than three of the rated inhabitants of such houses to be chosen annually by such inhabitants, in order that the same may be kept as a garden or ornamental ground for the use of such inhabitants; and the vestry or board of any and every parish or district* within which the same or any part thereof is situate shall from time to time cause to be raised the sums required by such committee for defraying the expenses of the maintenance and management of such enclosed garden or ornamental ground, or of such part thereof as is situate within their parish or district, by an addition to the general rate to be assessed on the occupiers of such houses; or if the said owners and occupiers shall not agree as aforesaid to undertake the charge of such garden or ornamental ground, the Metropolitan Board of Works† or corporate authority aforesaid shall, within six months after the notice herein-before mentioned shall have been put up within the same, or within such further time as the said Board or authority may think it expedient to allow for such agreement to be come to, vest the same in such vestries or boards,* who shall thenceforth take charge of and maintain the same as an open place or street in such manner as shall appear to them most advantageous to the public, subject to the approval of the Metropolitan Board of Works† or corporate authority, as the case may require; saving and always reserving to every person and persons, his and their heirs, executors, administrators, and assigns, all such estate, right, title, and interest as he, she, or they would or ought to have had and enjoyed of, in, to, from, or out of the gardens and grounds aforesaid in case this Act had not passed.

Protection of
open spaces
from en-
croachment.

2. And whereas it is expedient that the same should be carefully protected from undue encroachment, where any right to require that any garden or ornamental ground as aforesaid be kept and maintained as such, or that the same shall not be built upon, shall belong to any person in right of any house or other property, and he shall by notice in writing signed by him addressed to the Metropolitan Board of Works† where the same is in any place under their jurisdiction, except the city of London, where the same shall be addressed to the corporation of the said city, or to the corporate authorities in any other city or borough, requesting the said Metropolitan Board of Works† or corporate authority to protect the right before mentioned, the said Metropolitan Board of Works† or corporate authority, after due inquiry, may, if they shall think fit, accede to such request, and then and thereupon the right of such person to require that such garden or ornamental ground to be maintained as such, or that the same shall not be built upon, shall thenceforth be vested in such Metropolitan Board of Works† or corporate authority, who shall be fully empowered, for and in their own name, to exercise all the rights, powers, and privileges in relation thereto, and take such legal proceedings for asserting, defending, and protecting the same, as the said person might have exercised or taken.

Expenses
how to be
defrayed.

3. Any charge incurred by the Metropolitan Board of Works† in the

* Now, as regards London, the councils of the metropolitan boroughs. See 62 & 63 Vict. c. 14, s. 4.

† Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

execution of this Act shall be deemed to be expenses of the said Board for payment whereof provision is made by the Act for the better local management of the metropolis. . . . [See 25 & 26 Vict. c. 102, s. 5, and 51 & 52 Vict. c. 41, s. 68. *Part omitted relates to the expenses of municipal corporations.*]

4. Where any such garden or ground is managed by any Committee of the inhabitants of any square, crescent, circus, street, or place, such committee may make, and from time to time revoke and alter, byelaws for the management of the same, and for the preservation of the trees, shrubs, plants, flowers, rails, fences, seats, summer-houses, and other things therein, which byelaws shall be entered in a book kept for that purpose by the committee, signed by the chairman of the meeting at which the same shall be passed, and which book shall and may be produced and read, and taken as evidence of such byelaws, in all courts whatever, and any inhabitant or servant, or other person admitted to such garden by any inhabitant, offending against the same, after they shall have been duly allowed, as herein-after provided, upon proof thereof before a magistrate acting for the district in which such garden is situate, shall be liable for each offence to a penalty not exceeding five pounds: Provided always, that such byelaws shall not come into operation until the same shall have been allowed by some Judge of one of the superior courts, or by the Justices in Quarter Sessions; and it shall be incumbent on such Judge or Justices, on the request of such committee, to inquire into any byelaws tendered to them for that purpose, and to allow or disallow the same as they think meet.

Byelaws for management of garden, etc.

5. Any police constable who shall see any person throwing any rubbish into any such garden, or trespassing therein, or getting over the railings or fence, or stealing or damaging the flowers or plants, or committing any nuisance therein, may apprehend such person, under the authority hereby given to him; and any person convicted before any magistrate acting for the district shall be liable for each and every offence aforesaid to a penalty not exceeding forty shillings, or to imprisonment for any period not exceeding fourteen days; and in case it shall be necessary to state in any proceedings the ownership of the property of such garden, flowers, or plants, it shall be sufficient to describe the same as the property of the committee by the name of A.B. and others.

Penalty for injuring garden.

6. The provisions contained in the two hundred and twenty-fifth, two hundred and twenty-sixth, two hundred and twenty-seventh, and two hundred and twenty-eighth sections of the Act passed in the session of Parliament held in the eighteenth and nineteenth years of the reign of Her most gracious Majesty the Queen, chapter one hundred and twenty, shall be incorporated in this Act, and shall apply to any penalty or forfeiture imposed by this Act, or any by-law made in pursuance thereof, in and for every matter or thing done or omitted to be done within the metropolitan district. . . . [Part omitted applies the Summary Jurisdiction Act 1848 as regards other parts of England and Wales.]

Certain provisions of 18 & 19 Vict. c. 120 to be incorporated with this Act, and to apply to penalties, etc. imposed by this Act.

7. Nothing in this Act shall extend to or include any garden, ornamental ground, or other land belonging to Her Majesty in right of her crown or of her Duchy of Lancaster, or any garden, ornamental ground, or other land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings, or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851, or to any garden, ornamental, or other ground, for which special provision is made for the due care and protection thereof by any public or private Act of Parliament.

Act not to extend to property of the Crown or to property under the management of the Commissioners of Works, etc.

8. [This Act not to extend to Scotland or Ireland.]

27 & 28 VICTORIA. A.D. 1864.**CHAPTER 39.**

AN ACT TO AMEND THE UNION ASSESSMENT COMMITTEE ACT (1862).

[14th July 1864.]

[*Preamble.*]

1. [*Notice of appeal against poor rate to be given to the assessment committee of union. Rep. and replaced, as regards London, 32 & 33 Vict. c. 67, s. 77. See ibid. ss. 33 and 42 (12).*]

Committee may, with consent of guardians, be co-respondents.

2. The assessment committee of such union* may, with the consent of the guardians of such union, after notice shall have been sent to every guardian, appear as respondents to such appeal, but in the name of the guardians of such union, in like manner, and with the same incidents, and subject to the same liabilities, and entitled to the same remedies and rights, as in the case of persons other than the overseers to whom notice of appeal may be given.

Provision as to costs of committee on appeals.

3. The costs which the committee may incur in consequence of becoming respondents to such appeal, or of having received notice thereof, shall, if not recovered from the appellants, as well as any costs the committee may be ordered to pay to the appellants, be paid by the guardians and charged to the common fund of the union, unless the court before whom such appeal is heard shall direct that such costs, or any part thereof, shall be charged to the parish, the rate of which is appealed against.

Valuation to be made in writing.

4. Where a valuer is appointed by the assessment committee he shall make his valuation in writing, showing the particulars of the several hereditaments comprised therein, and the amounts at which he has valued the same respectively, and shall sign such valuation, which shall be open to inspection in like manner and with the same incidents with respect to the taking of copies or extracts as the minute books of the committee. [*See 25 & 26 Vict. c. 103, s. 17, and 32 & 33 Vict. c. 67, s. 14.*]

Notice of assessment to be given to certain companies.

5. Within fourteen days after the transmission to the assessment committee of any valuation or supplemental valuation list the committee shall give notice to every railway, telegraph, canal, gas, and water company named in such list as the occupier of any property included therein, and not having any office or place of business in the parish to which such list relates, of the sum or sums set down as the rateable value of the property purporting to be occupied by such company or companies, and such notice may be served by being transmitted through the post to the principal office of the company, or one of their principal offices when there shall be more than one.

Justices in certain cases not disqualified for hearing appeals.

6. No Justice of the Peace shall be disqualified for acting in the determination of any appeal against a poor rate at any Quarter or Special Sessions by reason of such Justice being rated, or being liable to be rated, in some other parish in the union than that for which the rate appealed against is made.

Expenses of overseers incurred with consent of vestry or allowed by assessment committee may be charged on poor rates.

7. When the overseers of any parish incur any expense in making out any valuation list or supplemental list, or in revising or valuing any of the rateable hereditaments of such parish, under the provisions of the Union Assessment Committee Act, 1862, with the consent of the vestry† given by express resolution, after due notice, they may charge such expense, so far as the same may be authorized by the vestry upon the poor rate; and if no vestry meeting be held, or no decision arrived at on the subject, then to the extent which the assessment committee shall allow: Provided that, as regards the valuation of the property, no expense shall be so charged upon the poor rate unless the consent of such committee

* *I.e.* any union to which the Union Assessment Committee Act 1862 applies.

† See, as regards London, 62 & 63 Vict. c. 14, ss. 4, 11, and 19.

to the procuring of such valuation by the overseers shall have been given previously to the same being made.

8. If the assessment committee order a valuation, with the consent of the board of guardians, to be made of all the rateable hereditaments of any parish, the guardians of the union may, if they think fit, apply to the Poor Law Board* for an order to enable them to borrow the requisite amount to pay the cost of such valuation; and if the said Board shall issue their order, the said guardians may borrow the same and charge the poor rates of the several parishes in the union with the repayment of the same by not more than five equal annual instalments, and where the parish for which the valuation is made shall, by reason of any provision in the said Union Assessment Committee Act or this Act, be liable to pay the cost of such valuation, the said guardians shall charge the annual instalments, and the interest payable therewith, to such parish, and may recover the same as and with the usual contributions.

Power to guardians with the order of the Poor Law Board to borrow money for valuation expenses.

9. [*Clerks of assessment committees to furnish clerks of the peace with totals of valuation. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

10. If there be no map or plan of any parish available for the use or sufficient for the purposes of the assessment committee, the committee may, with the consent of the guardians, after notice as aforesaid, and under the authority of an order of the Poor Law Board,* appoint a competent person to make a map or plan of such parish, and the cost thereof shall be charged either to the common fund, or to the parish, as may be directed by the Poor Law Board.*

Power to Poor Law Board to order map or plan to be made.

11. [*Penalty on overseers omitting to make declaration or making false declaration. Rep., as regards London, 32 & 33 Vict. c. 67, s. 77.*]

12. The provisions of the Union Assessment Committee Act, 1862, shall, so far as the same are not contrary hereto, be incorporated herewith, and the terms used herein shall be construed in like manner as in that Act.

25 & 26 Vict. c. 103 incorporated herewith.

13. This Act may be cited as "The Union Assessment Committee Amendment Act, 1864."

32 & 33 VICTORIA. A.D. 1869.

CHAPTER 41.

AN ACT FOR AMENDING THE LAW WITH RESPECT TO THE RATING OF OCCUPIERS FOR SHORT TERMS, AND THE MAKING AND COLLECTING OF THE POOR'S RATE.

[26th July 1869.]

[*Preamble.*]

1. The occupier of any rateable hereditament let to him for a term not exceeding three months shall be entitled to deduct the amount paid by him in respect of any poor rate assessed upon such hereditament from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate so paid.

Occupiers of tenements let for short terms may deduct the poor rate paid by them from their rents.

2. No such occupier shall be compelled to pay to the overseers at one time or within four weeks a greater amount of the rate than would be due for one quarter of the year.

Amount of rate payable by occupier.

3. In case the rateable value of any hereditament does not exceed twenty pounds, if the hereditament is situate in the metropolis, . . . and the owner of such hereditament is willing to enter into an agreement in writing with the overseers to become liable to them for the poor rates assessed in respect of such hereditament, for any term not being less than

Owners may agree to pay the rate, and be allowed a commission.

* Now the Local Government Board. See the Local Government Board Act 1871, s. 2.

one year from the date of such agreement, and to pay the poor rates whether the hereditament is occupied or not, the overseers may, subject nevertheless to the control of the vestry, agree with the owner to receive the rates from him, and to allow to him a commission not exceeding twenty-five per cent. on the amount thereof. [*Words omitted ("or thirteen pounds if situate in any parish wholly or partly within the borough of Liverpool, or ten pounds if situate in any parish wholly or partly within the city of Manchester or the borough of Birmingham, or eight pounds if situate elsewhere") not applicable to London.*]

Vestries may order the owner to be rated instead of the occupier.

4. The vestry* of any parish may from time to time order that the owners of all rateable hereditaments to which section three of this Act extends, situate within such parish, shall be rated to the poor rate in respect of such rateable hereditaments, instead of the occupiers, on all rates made after the date of such order; and thereupon and so long as such order shall be in force the following enactments shall have effect:

1. The overseers shall rate the owners instead of the occupiers, and shall allow to them an abatement or deduction of fifteen per centum from the amount of the rate:
2. If the owner of one or more such rateable hereditaments shall give notice to the overseers in writing that he is willing to be rated for any term not being less than one year in respect of all such rateable hereditaments of which he is the owner, whether the same be occupied or not, the overseers shall rate such owner accordingly, and allow to him a further abatement or deduction not exceeding fifteen per centum from the amount of the rate during the time he is so rated:
3. The vestry* may by resolution rescind any such order after a day to be fixed by them, such day being not less than six months after the passing of such resolution, but the order shall continue in force with respect to all rates made before the date on which the resolution takes effect:

Provided that this clause shall not be applicable to any rateable hereditament in which a dwelling-house shall not be included.

Owners omitting to pay rates before the fifth day of June to forfeit commission.

5. When an owner who has become liable to pay the poor rate omits or neglects to pay, before the fifth day of June in any year, any rate or any instalment thereof which has become due previously to the preceding fifth day of January, and has been duly demanded by a demand-note delivered to him or left at his usual or last known place of abode, he shall not be entitled to deduct or receive any commission, abatement, or allowance to which he would, except for such omission or neglect, be entitled under this Act, but shall be liable to pay, and shall pay, such rate or instalment in full.

Repeal of 13 & 14 Vict. c. 99., etc., so far as the same apply to the poor rate.

6. The statute thirteenth and fourteenth Victoria, chapter ninety-nine,† with respect to the rating of small tenements, and so much of any local statute as relates to the rating of owners instead of occupiers, are hereby repealed, so far as the same apply to any poor rate made after this Act comes into operation.

Constructive payment of the rate.

7. Every payment of a rate by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated instead of the occupier, or has agreed with the occupier or with the overseers to pay such rate, and notwithstanding any allowance or deduction which the overseers are empowered to make from the rate, shall be deemed a payment of the full rate by the occupier for the purpose of any qualification or franchise which as regards rating depends upon the payment of the poor rate. [*See also the Assessed Rates Act 1879, s. 2.*]

Where owners omit to pay rates, the

8. Where an owner who has undertaken, whether by agreement with the occupier or with the overseers, to pay the poor rates, or has otherwise

* Now, as regards London, the councils of the metropolitan boroughs. See 62 & 63 Vict. c. 14, s. 4.

† Wholly rep. 38 & 39 Vict. c. 66 (S.L.R.).

become liable to pay the same, omits or neglects to pay any such rate, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

Occupiers paying the same may deduct the amount from the rent.

9. Every owner who agrees with the overseers to pay the poor rate, or who is rated or liable to be rated for any hereditament instead of the occupier, shall deliver to the overseers, from time to time, when required by them, in writing, a list containing the names of the actual occupiers of the hereditaments comprised in such agreement, or for which he is so rated or liable to be rated; and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or misstates therein the name of any occupier, he shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds.

Owners to give lists of occupiers, and liable to penalty for wilful omission.

10. Section twenty-eight of "The Representation of the People Act, 1867," with respect to notice to be given of rates in arrear, shall apply to occupiers of premises capable of conferring the parliamentary franchise, although the owners of such premises have become liable for the rates assessed thereon under the provisions of this Act.

Notice to occupiers of rates in arrear.

11. Where the owner has become liable to the payment of the poor rates, the rates due from him, together with the costs and charges of levying and recovering the same, may be levied on the goods of the owner, and be recovered from him in the same way as poor rates may be recovered from the occupier.

Liability of owner under agreement.

12. Notwithstanding the owner of any such rateable hereditament as aforesaid has become liable for payment of the poor rates assessed thereon, the goods and chattels of the occupier shall be liable to be distrained and sold for payment of such rates as may accrue during his occupation of the premises, at any time whilst such rates remain unpaid by the owner, subject to the following provisions:

Recovery of rates unpaid by the owner.

1. That no such distress shall be levied unless the rate has been demanded in writing by the overseers from the occupier, and the occupier has failed to pay the same within fourteen days after the service of such demand;
2. That no greater sum shall be raised by such distress than shall at the time of making the same be actually due from the occupier for rent of the premises on which the distress is made;
3. That any such occupier shall be entitled to deduct the amount of rates for which such distraint is made, and the expense of distraint, from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate and expenses paid.

13. Every owner of any hereditament for the rates of which he has become liable shall have the same right of appeal (subject to the same conditions and consequences) against the valuation lists and the poor rates as if he were the occupier thereof.

Owner may appeal against valuation list and rate.

14. The overseers of every parish when they make a poor rate shall set forth in the title of the rate the period for which the same is estimated, and if the same is payable by instalments the amount of each instalment and the date at which each instalment is payable; provided that if the necessities of the parish shall require it another rate may be made before such period shall have elapsed.

The overseer to state the period for which poor rate is made. Proviso.

15. The overseers who make the poor rate for a period exceeding three months may declare that the same shall be paid by instalments at such times as they shall specify, and thereupon each instalment only shall be enforceable as and when it falls due, and the payment of any such instalment shall, as respects any qualification or franchise depending upon the payment of the poor rate, be deemed a payment of such rate in respect of the period to which such instalment applies.

Overseers may make poor rate payable by instalments.

Provision for
successive
occupiers,
and for occu-
piers coming
into unoccu-
pied here-
ditaments.

16. If the occupier assessed in the rate when made shall cease to occupy before the rate shall have been wholly discharged, or if the hereditament being unoccupied at the time of the making of the rate become occupied during the period for which the rate is made, the overseers shall enter in the rate book the name of the person who succeeds or comes into the occupation, as the case may be, and the date when such occupation commences, so far as the same shall be known to them, and such occupier shall thenceforth be deemed to have been actually rated from the date so entered by the overseer, and shall be liable to pay so much of the rate as shall be proportionate to the time between the commencement of his occupation and the expiration of the period for which the rate was made, in like manner, and with the like remedy of appeal, as if he had been rated when the rate was made; and an outgoing occupier shall remain liable in like manner for so much and no more of the rate as is proportionate to the time of his occupation within the period for which the rate was made. . . . [See the *Poor Rate Assessment and Collection Act 1869 Amendment Act 1882*, s. 3.* *Part omitted (repeal of 17 Geo. 2, c. 38, s. 12) rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

When the
poor rate
shall be
deemed to
be made.

17. A poor rate shall be deemed to be made on the day when it is allowed by the Justices, and if the Justices sever in their allowance then on the day of the last allowance.

Evidence of
making and
publication
of rates.

18. The production of the book purporting to contain a poor rate, with the allowance of the rate by the Justices, shall, if the rate is made in the form prescribed by law, be *prima facie* evidence of the due making and publication of such rate.

Overseers to
insert names
of all occu-
piers in the
rate.

19. The overseers in making out the poor rate shall, in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, enter in the occupiers column of the rate book the name of the occupier of every rateable hereditament, and such occupier shall be deemed to be duly rated for any qualification or franchise as aforesaid †; and if any overseer negligently or wilfully and without reasonable cause omits the name of the occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such overseer shall for every such omission or misstatement be liable on summary conviction to a penalty not exceeding two pounds; provided that any occupier whose name has been omitted shall, notwithstanding such omission and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating, in the same manner as if his name had not been so omitted.

Penalty for
omission.

Saving of
franchises.

Interpreta-
tion of terms.

20. The word "overseer" ‡ shall include every authority that makes an assessment for the poor rate; the words "poor rate" shall mean the assessment for the relief of the poor, and for the other purposes chargeable thereon according to law, and in the metropolis shall extend to every rate made by the overseers, and chargeable upon the same property as the poor rate; the word "owner" § shall mean any person receiving or claiming

* S. 3 of the *Poor Rate Assessment and Collection Act 1869 Amendment Act 1882* is as follows: "3. The provisions of the sixteenth section of the *Poor Rate Assessment and Collection Act, 1869*, so far as regards the payment of rates by an outgoing occupier, shall extend and apply to any outgoing occupier assessed in the rate, and such outgoing occupier shall only be liable to pay so much of the rate as shall be proportionate to the time of his occupation within the period for which the rate was made, notwithstanding he may not be succeeded in his occupation by an incoming tenant."

† See the *Parliamentary and Municipal Registration Act 1878*, s. 14 (which enacts that this section "shall be of general application"), and the *Representation of the People Act 1884*, s. 9 (8).

‡ See 62 & 63 *Vict. c. 14*, s. 11 (1).

§ See the *Representation of the People Act 1884*, s. 9 (8), which enacts (*inter alia*) that in the construction of the *Poor Rate Assessment and Collection Act 1869* "the word 'owner' shall be deemed to include a person actually rated or liable to be rated."

the rent of the hereditament for his own use, or receiving the same for the use of any corporation aggregate, or of any public company, or of any landlord or lessee who shall be a minor, a married woman, or insane, or for the use of any person for whom he is acting as agent; the word "parish" shall signify every place for which a separate overseer can be appointed; the word "vestry"* shall include not only the vestry of a parish existing under the authority of some general or special Act of Parliament, or by special custom or otherwise, but also the meeting of the inhabitants of any township, vill, or place having a separate overseer, and for which a separate poor rate is made, held after notice given in like manner as is required by law in regard to the meetings of vestries; and the word "metropolis" shall include only the metropolis as defined by the Metropolis Management Act, 1855.

21. This Act shall not extend to Scotland or to Ireland.

Application
of Act.

22. This Act may be cited as "The Poor Rate Assessment and Collection Act, 1869." . . . [Part omitted (commencement of Act, 29th September 1869) *rep.* 56 & 57 *Vict.* c. 54 (*S.L.R.*).]

Short title.

33 & 34 VICTORIA. A.D. 1870.

CHAPTER 78.

AN ACT TO FACILITATE THE CONSTRUCTION AND TO REGULATE THE WORKING
OF TRAMWAYS. [9th August 1870.]

Preliminary.

1. This Act may be cited for all purposes as "The Tramways Act, 1870." Short title.

2. [*This Act not to extend to Ireland.*]

3. For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them; that is to say, Interpreta-
tion of terms.

The terms "local authority" and "local rate" shall mean respectively the bodies of persons and rate named in the table in Part One of the Schedule (A.) to this Act annexed:

The term "road" shall mean any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same:

The term "road authority" shall mean, in the districts specified in the table in Part Two of the Schedule (A.) to this Act annexed, the bodies of persons named in the same table, and elsewhere any local authority, board, town council, body corporate, commissioners, trustees, vestry, or other body or persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road:

The term "district," in relation to a local authority or road authority, shall mean the area within the jurisdiction of such local authority or road authority:

The term "prescribed" shall mean prescribed by any rules made in pursuance of this Act:

The term "two justices" shall, in addition to its ordinary signification, mean one stipendiary or police magistrate acting in any police court for the district.

PART I.

4—18. [*Provisions relating to procedure by Provisional Order for the construction of tramways.*†]

* Sec 62 & 63 *Vict.* c. 14, ss. 4 and 19.

† These sections are omitted, as Provisional Order procedure has become unusual in London.

Local authority may lease or take tolls.

19. . . . Where any local authority has under the provisions of this Act acquired possession of any tramway, such authority may, with the consent of the Board of Trade, and subject to the provisions of this Act, by lease, to be approved of by the Board of Trade, demise to any person, persons, corporation, or company, the right of user by such person, persons, corporation, or company of the tramway, and of demanding and taking in respect of the same the tolls and charges authorised; or such authority may leave such tramway open to be used by the public, and may in respect of such user demand and take the tolls and charges authorised; but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway, and to demand and take tolls and charges in respect of the use of such carriages. [See 59 & 60 *Vict. c. li. s. 2*; 63 & 64 *Vict. c. cclxx. s. 41*; 1 *Edw. 7, c. cclxxi. s. 17*; 2 *Edw. 7, c. cexviii. s. 12*, and *c. ccxix. s. 8*; 3 *Edw. 7, c. cexix. s. 8*; 4 *Edw. 7, c. cexxxi. s. 23*; and 6 *Edw. 7, c. clxxxi. s. 54*.]

Notice of the intention to make such lease shall be published by the local authority by advertisement, and a copy of such lease shall be deposited according to the regulations contained in Part I. of the Schedule (C.) to this Act annexed; and unless such notice is given, and such copy deposited, such lease shall not be approved of by the Board of Trade.

Every such lease shall be made for a term or for terms not exceeding in the whole twenty-one years.

On the determination of any lease made under this Act, the local authority may from time to time, with the consent of the Board of Trade, by lease, demise such rights for such further term or terms, not exceeding in any case twenty-one years, as the said Board may approve.

Every such lease shall imply a condition of re-entry if at any time after the making of the same the lessees discontinue the working of the tramway leased, or of any part thereof, for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of such lessees, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control).

The person, persons, corporation, or company to whom any such lease may be made are in this Act referred to as "lessees."

20. [*Powers to local authorities, where they are the promoters of any tramway, to defray the expenses of applying for, obtaining, and carrying into effect Provisional Orders out of the local rate, and to borrow for such purposes on the credit of such local rate.*]

21. [*Power to the Metropolitan Board of Works to create additional stock under 32 & 33 *Vict. c. 102*, not exceeding £300,000, for carrying into effect any Provisional Order obtained by them. Spent.*]

PART II.

Construction of Tramways.

22. Part II. and Part III. of this Act shall apply to every tramway which is hereafter authorised by any Provisional Order or Act of Parliament, and shall be incorporated with such Provisional Order or Act, and all the said provisions of this Act, save so far as they shall be expressly varied or excepted by any such Provisional Order or Act, shall apply to the undertaking authorised thereby, so far as the same shall be applicable to such undertaking, and shall, with the provisions of every other Act or part of any Act which shall be incorporated therewith, form part of the said Provisional Order or Act, and be construed therewith as forming one Provisional Order or Act, as the case may be.

As to incorporation of Parts II. and III. of this Act with Provisional Order and Special Acts.

23. In Part II. and Part III. of this Act, the term "special Act" shall "Special be construed to mean any Act of Parliament which shall be hereafter Act." passed or any Provisional Order authorising the construction of a tramway, and with which the said parts of this Act shall be incorporated as aforesaid.

24. The term "the promoters" shall mean any person, persons, "Promoters" corporation, company, or local authority authorised by special Act to construct a tramway.

25. Every tramway which is hereafter authorised by special Act shall be constructed on such gauge as may be prescribed by such special Act, and if no gauge is thereby prescribed, on such gauge as will admit of the use upon such tramways of carriages constructed for use upon railways of a gauge of four feet eight inches and half an inch, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic, in the prescribed manner.

26. The promoters from time to time, for the purpose of making, forming, laying down, maintaining, and renewing any tramway duly authorised, or any part or parts thereof respectively, may open and break up any road, subject to the following regulations: Power to break up streets, etc.

1. They shall give to the road authority notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work:
2. They shall not open, or break up, or alter the level of any road, except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work:
3. They shall pay all reasonable expenses to which the road authority is put on account of such superintendence:
4. They shall not, without the consent of the road authority, open or break up at any one time a greater length than one hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the promoters shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than one hundred yards.

Where the carriageway over any bridge forms part of or is a road within the jurisdiction of a road authority, but such bridge is vested in some person or persons, corporation, or company, distinct from such road authority, any work which the promoters may be empowered to construct, and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the promoters) and to the reasonable satisfaction of such person, persons, corporation, or company, unless after notice to be given by the promoters seven days at least before the commencement of such work such superintendence is refused or withheld.

Where the carriageway in or upon which any tramway is proposed to be formed or laid down is crossed by any railway or tramway on the level, any work which the promoters may be empowered to construct, and which affects or in anywise interferes with such railway or tramway, or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the promoters) and to the reasonable satisfaction of the person, corporation, or company owning such railway or tramway, unless after notice to be given by the promoters seven days at least before

the commencement of such work such superintendence is refused or withheld.

[See 63 & 64 *Vict. c. ccxxxviii. ss. 7 and 11, and the London County Council's Tramways Acts 1901—1906.*]

Completion
of work and
reinstatement
of road.

27. When the promoters have opened or broken up any portion of any road, they shall be under the following further obligations; namely,

1. They shall, with all convenient speed, and in all cases within four weeks at the most (unless the road authority otherwise consents in writing) complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby:
2. They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night [see 18 & 19 *Vict. c. 120, s. 111*]:
3. They shall bear or pay all reasonable expenses of the repair of the road for six months after the same is restored, as far as those expenses are increased by the opening or breaking up.

If the promoters aforesaid fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

Repair of
part of road
where tram-
way is laid.

28. The promoters shall, at their own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the road authority shall direct, and to their satisfaction, so much of any road whereon any tramway belonging to them is laid as lies between the rails of the tramway and (where two tramways are laid by the same promoters in any road at a distance of not more than four feet from each other) the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway. If the promoters abandon their undertaking, or any part of the same, and take up any tramway or any part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consents in writing), fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the road upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if the promoters fail to comply with the provisions of this section, the road authority, if they think fit, may themselves at any time, after seven days notice to the promoters, open and break up the road, and do the works necessary for the repair and maintenance or restoration of the road, to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the promoters. [See 63 & 64 *Vict. c. ccxxxviii. ss. 7 (2) and 11.*]

Road autho-
rity and pro-
moters may
contract for
paving roads

29. The road authority on the one hand and the promoters on the other hand may from time to time enter into and carry into effect, and from time to time alter, renew, or vary, contracts, agreements, or arrangements with respect to the paving and keeping in repair of the whole or any portion of

the roadway of any road on which the promoters shall lay any tramway, and the proportion to be paid by either of them of the expense of such paving and keeping in repair.

on which
tramways
are laid.

30. For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of their tramways, the promoters may from time to time, where and as far as it is necessary, or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same, alter the position of any mains or pipes for the supply of gas or water, or any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Act, and also subject to the following restrictions: (that is to say,)

Provision as
to gas and
water com-
panies.

1. Before laying down a tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid, the promoters shall, whether they contemplate altering the position of any such mains or pipes, wires, or apparatus, or not, give seven days notice to the company, persons, or person to whom such mains or pipes, tubes, wires, or apparatus may belong or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such company or persons that the construction of the tramway as proposed would endanger any such main or pipe, tube, wire, or apparatus, or interfere with or impede the supply of water or gas or the telegraphic or other communication, such company or person (as the case may be) may give notice to the promoters to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the promoters and other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such company or person or of their surveyor or engineer if they or he think fit to attend, after receiving not less than forty-eight hours notice for that purpose, which notice the promoters are hereby required to give:
2. The promoters shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by any such company or person, or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes, without the consent of such company or person, or in any other manner than such company or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall at the expense of the promoters have been first made and laid down in lieu thereof and ready for use, and to the satisfaction of the surveyor or engineer of such water or gas or other company, or of such person, or, in case of disagreement between such surveyor or engineer and the promoters, as an engineer appointed by the Board of Trade shall direct:
3. The promoters shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other company, or relating to telegraphs:

4. The promoters shall make good all damage done by them to property belonging to or controlled by any such company or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes of any person supplied by any such company or person with water or gas :

5. If by any such operations as aforesaid the promoters interrupt the supply of water or gas in or through any main or main pipe they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted. :

[See 63 & 64 *Vict. c. ccxxxviii. ss. 5, 15, and 16.*]

For protection of
sewers, etc.

31. Where in any district any tramway or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work in such district, or in any way affects the sewerage or drainage of such district, the promoters shall not commence any tramway or work until they shall have given to the proper authority fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such authority with all necessary particulars relating thereto, nor until such authority shall have signified their approval of the same, unless such authority do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid, and the promoters shall comply with and conform to all reasonable directions and regulations of the said authority in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such authority shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to, by or by reason of the tramways, and shall save harmless the said authority against all and every the expense to be occasioned thereby; and all such works shall be done under the direction, superintendence, and control of the engineer or other officer or officers of the said authority, at the reasonable costs, charges, and expenses in all respects of the promoters; and when any new, altered, or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the promoters, under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said authority and be maintained by them as any sewers or works.

Rights of
authorities
and com-
panies, etc.
to open
roads.

32. Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in any local authority or road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power every such local authority, road authority, company, body, or person shall be subject to the following restrictions; (that is to say,)

1. They shall cause as little detriment or inconvenience to the promoters and lessees as circumstances admit.

2. Before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters and lessees, if there be any, notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work :

3. They shall not be liable to pay to the promoters or lessees any compensation for injury done to the tramway by the execution

of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid :

4. Whenever for the purpose of enabling them to execute such work the local authority or the road authority shall so require, the promoters or lessees shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there : Provided that such work shall always be completed by the local authority or the road authority, as the case may be, with all reasonable expedition :

5. Any company, body, or person shall not execute such work so far as it immediately affects the tramway except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work ; and they shall execute such work at their own expense, and to the reasonable satisfaction of the promoters : Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the promoters.

33. If any difference arises between the promoters or lessees on the one hand and any local authority or road authority, or any gas or water company, or any company, body, or person to whom any sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control exercised, or claimed to be exercised, by them or him, or on their or his behalf, or by the promoters or lessees by virtue of this Act, in relation to any tramway or work, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the promoters or lessees, or on the question whether any work is such as ought reasonably to satisfy the local authority, road authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs. [*See 63 & 64 Vict. c. cxxxviii. s. 11.*]

PART III.

GENERAL PROVISIONS.

Carriages.

34. The promoters of tramways authorised by special Act and their lessees may use on their tramways carriages with flange wheels or wheels suitable only to run on the rail prescribed by such Act ; and, subject to the provisions of such special Act and of this Act, the promoters and their lessees shall have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on the prescribed rail.

All carriages used on any tramway shall be moved by the power prescribed by the special Act, and where no such power is prescribed, by animal power only.

No carriage used on any tramway which is hereafter authorised by special Act shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.

[See 63 & 64 *Vict. cc. cccxxviii. s. 3, and cclxx. ss. 36 and 37*; 1 *Edw. 7, c. cclxxi. s. 18*; 2 *Edw. 7, cc. ccxviii. s. 12, and ccxix. s. 8*; 3 *Edw. 7, c. ccxix. s. 9*; 4 *Edw. 7, c. ccxxxi. s. 16*; and 6 *Edw. 7, c. clxxxi. s. 6*.]

Licenses to use Tramways.

Licenses to use the tramway may in certain events be granted to third parties by the Board of Trade.

35. If at any time after any tramway or part of any tramway shall have been for three years opened for public traffic in any district it shall be represented in writing to the Board of Trade by the local authority of such district, or by twenty inhabitant ratepayers of such district, or by the road authority of any road in which such tramway or part of a tramway is laid, that the public are deprived of the full benefit of the tramway, the Board of Trade may (if they consider that, *prima facie*, the case is one for inquiry) direct an inquiry by a referee under this Act into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may from time to time grant licenses to any company or person to use such tramway in addition to the promoters or their lessees for such traffic as is authorised by the special Act, with carriages to be approved by the Board, subject to the following provisions, conditions, and restrictions; that is to say,

1. The license shall be for any period not less than one year nor more than three years from the date of the license, but shall be renewable by the Board, if they upon inquiry think fit:
2. The license shall be to use the whole of such tramway for the time being opened for public traffic, or such part or parts of such tramway as the Board, having reference to the cause for granting the license, shall think right:
3. The license shall direct the number of carriages which the licensee or licensees shall run upon such tramway, and the mode in which and times at which such carriages shall be run:
4. The licenses shall specify the tolls to be paid to the promoters or to their lessees by the licensee or licensees for the use of the tramways:
5. The licensee or licensees, and their officers and servants, shall permit one person duly authorised for that purpose by the promoters, or by their lessees, to ride free of charge in or upon each carriage of the licensee or licensees run upon the tramways for the whole or any part of the journey:
6. The Board of Trade may at any time after the granting of any license revoke, alter, or modify the same for good cause shown to them.

In default of payment of tolls licensee's carriages may be detained and sold.

36. If on demand any licensee fail to pay the tolls due in respect of any passengers carried in any carriage it shall be lawful for the promoters or their lessees, to whom the same are payable, to detain and sell such carriage, or if the same shall have been removed from the tramway or premises of such promoters or lessees, to detain and sell any other carriages on such tramway or premises belonging to such licensee, and out of the moneys arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus (if any) of such moneys and such of the carriages as shall remain unsold to the person entitled thereto.

Licenses to give account of passengers carried by them.

37. Every licensee shall on demand give to an officer or servant authorised in that behalf by the promoters or their lessees entitled to be paid tolls by such licensee, an exact account in writing signed by such licensee of the number of passengers conveyed by any and every carriage used by him on the tramways.

38. If any such licensee fails to give such account to such officer or servant demanding the same as aforesaid, or if any such licensee with intent to avoid the payment of any tolls gives a false account, he shall for every such offence forfeit to the promoters, or to their lessees entitled to be paid tolls by such licensee, a sum not exceeding five pounds, and such penalty shall be in addition to any tolls payable in respect of the passengers carried by any such carriage.

Licensees not giving account of passengers carried liable to penalty.

39. If any dispute arise concerning the amount of the tolls due to the promoters or to their lessees from any licensee, or concerning the charges occasioned by any detention or sale of any carriage under the provisions herein contained, the same shall be settled in England by two Justices, and in Scotland by the sheriff or two Justices, and it shall be lawful for the promoters or their lessees in the meanwhile to detain the carriage, or (if the case so require) the proceeds of the sale thereof.

Disputes as to amount of toll to be settled by Justice.

40. Every licensee shall be answerable for any trespass or damage done by his carriages or horses, or by any of the servants or persons employed by him, to or upon the tramway, or to or upon the property of any other person, and, without prejudice to the right of action against the licensee or any other person, every such servant or other person may lawfully be convicted of such trespass or damage in England before two Justices, and in Scotland before the sheriff or two Justices, either by the confession of the party offending or by the oath of some credible witness; and upon such conviction every such licensee shall pay to the promoters, lessees, or persons injured, as the case may be, the damage, to be ascertained by such Justices, so that the same do not exceed fifty pounds.

Owners of carriages liable for damage done by their servants.

Discontinuance of Tramways.

41. If at any time after the opening of any tramway in any district for traffic the promoters discontinue the working of such tramway, or of any part thereof, for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of such promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Board of Trade, the said Board, if they think fit, may by order declare that the powers of the promoters in respect of such tramway or the part thereof so discontinued shall, from the date of such order, be at an end, and thereupon the said powers of the promoters shall cease and determine, unless the same are purchased by the local authority in manner by this Act provided. Where any such order has been made, the road authority of such district may at any time after the expiration of two months from the date of such order, under the authority of a certificate to that effect by the Board of Trade, remove the tramway or part of the tramway so discontinued, and the promoters shall pay to the road authority the cost of such removal and of the making good of the road by the road authority, such cost to be certified by the clerk for the time being, or by some other authorised officer of the road authority, whose certificate shall be final and conclusive; and if the promoters fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, the road authority may, without any previous notice to the promoters (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the road authority may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost certified as aforesaid and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the promoters.

Tramways to be removed in certain cases.

42. [*Proceedings in case of insolvency of promoters.*]

Purchase of Tramways.

Future
purchase of
undertaking
by local
authority.

43. Where the promoters of a tramway in any district are not the local authority, the local authority, if, by resolution passed at a special meeting of the members constituting such local authority, they so decide, may within six months after the expiration of a period of twenty-one years from the time when such promoters were empowered to construct such tramway, and within six months after the expiration of every subsequent period of seven years, or within three months after any order made by the Board of Trade under either of the two next preceding sections, with the approval of the Board of Trade, by notice in writing require such promoters to sell, and thereupon such promoters shall sell to them their undertaking, or so much of the same as is within such district, upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking, or any compensation for compulsory sale, or other consideration whatsoever) of the tramway, and all lands, buildings, works, materials, and plant of the promoters suitable to and used by them for the purposes of their undertaking within such district, such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference to be borne and paid as the referee directs. And when any such sale has been made, all the rights, powers, and authorities of such promoters in respect to the undertaking sold, or where any order has been made by the Board of Trade under either of the next preceding sections, all the rights, powers, and authorities of such promoters previous to the making of such order in respect to the undertaking sold, shall be transferred to, vested in, and may be exercised by the authority to whom the same has been sold, in like manner as if such tramway was constructed by such authority under the powers conferred upon them by a Provisional Order under this Act, and in reference to the same they shall be deemed to be the promoters.

No such resolution shall be valid unless a month's previous notice of the meeting, and of the purpose thereof, has been given in manner in which notices of meetings of such local authority are usually given, nor unless two thirds of the members constituting such local authority are present and vote at the meeting, and a majority of those present and voting concur in the resolution. . . .

The local authority in any district may pay the purchase money and all expenses incurred by them in the purchase of any undertaking under the authority of this section out of the like rate, and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for, obtaining, and carrying into effect any Provisional Order obtained by them under this Act. [See s. 20.]

Subject and according to the preceding provisions of this section two or more local authorities may jointly purchase any undertaking or so much of the same as is within their districts.

[Parts omitted refer to Scotland and to cases where the local rate is limited by law.]

Power of sale.

44. Where any tramway in any district has been opened for traffic for a period of six months the promoters may, with the consent of the Board of Trade, sell their undertaking to any person, persons, corporation, or company, or to the local authority of such district; and when any such sale has been made all the rights, powers, authorities, obligations, and liabilities of such promoters in respect to the undertaking sold shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, corporation, company, or local authority to whom the same has been sold, in like manner as if such tramway was constructed by such person, persons, corporation, company, or local authority under the powers conferred upon them by special Act, and in reference to the same they shall be deemed to be the promoters.

Provided always, that a local authority shall not purchase any undertaking under the provisions of this section unless they shall decide to make such purchase by resolution passed at a special meeting of the members constituting such local authority, which resolution shall be made in the same manner and shall be subject to the same conditions as to validity as resolutions made in regard to the purchases by the next preceding section authorised.

Where any purchase is made by any local authority under the provisions of this section, such local authority may pay the purchase money and all expenses incurred by them in making such purchase out of the like funds, and for such purposes shall have all the like powers and be subject to all the like conditions as if such purchase were made under the authority of the next preceding section.

Tolls.

45. The promoters or lessees of a tramway authorised by special Act may demand and take, in respect of such tramway, tolls and charges not exceeding the sums specified in such special Act, subject and according to the regulations therein specified. A list of all the tolls and charges authorised to be taken shall be exhibited in a conspicuous place inside and outside each of the carriages used upon the tramways. [*See note to s. 19.*]

*Byelaws.**

46. Subject to the provisions of the special Act authorising any tramway and this Act, Byelaws by local authority.

The local authority of any district in which the same is laid down may, from time to time, make regulations as to the following matters :

The rate of speed to be observed in travelling upon the tramway :

The distances at which carriages using the tramway shall be allowed to follow one after the other :

The stopping of carriages using the tramway :

The traffic on the road in which the tramway is laid :

The promoters of any tramway and their lessees may from time to time make regulations,— Promoters may make certain regulations.

For preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them :

For regulating the travelling in or upon any carriage belonging to them.

And for better enforcing the observance of all or any of such regulations, it shall be lawful for such local authority and promoters respectively to make byelaws for all or any of the aforesaid purposes, and from time to time repeal or alter such byelaws, and make new byelaws, provided that such byelaws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect :

Notice of the making of any byelaw under the provisions of this Act shall be published by the local authority or the promoters making the same by advertisement, according to the regulations contained in Part II. of the Schedule (C.) to this Act annexed, and unless such notice is published in manner aforesaid such byelaw shall be disallowed by the Board of Trade.

No such byelaw shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a true copy of such byelaw shall have been laid before the Board, and a true copy of every such proposed byelaw shall, not less than two calendar months before such byelaw shall come into operation, be sent to the Board of Trade, and shall be delivered to the promoters of such tramway if the same was made by the local authority, and to such local authority if made by the promoters.

* See also 59 & 60 Vict. c. li. s. 7, and 63 & 64 Vict. c. cxxxviii. s. 3.

Penalties may be imposed in byelaws.

47. Any such byelaw may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence ten shillings for every day during which the offence continues; but all byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Power to local authority to license drivers, conductors, etc.

48. The local authority shall have the like power of making and enforcing rules and regulations, and of granting licenses with respect to all carriages using the tramways, and to all drivers, conductors, and other persons having charge of or using the same, and to the standings for the same, as they are for the time being entitled to make, enforce, and grant with respect to hackney carriages, and the drivers and other persons having the charge thereof, and to the standings for the same in the streets and district of or under the control of the local authority: Provided always, that in any district in which any of the powers aforesaid in relation to hackney carriages and the matters aforesaid in connexion therewith are vested in any authority other than the local authority of such district, such authority shall have and may exercise the powers by this section conferred upon the local authority. [*See 6 & 7 Vict. c. 86, s. 10; 32 & 33 Vict. c. 115, s. 8; 13 & 14 Vict. c. 7, s. 4; and 16 & 17 Vict. c. 33, s. 12.*]

Offences.

Penalty for obstruction of promoters in laying out tramway.

49. If any person wilfully obstructs any person acting under the authority of any promoters in the lawful exercise of their powers in setting out or making, forming, laying down, repairing, or renewing a tramway, or defaces or destroys any mark made for the purposes of setting out the line of the tramway, or damages or destroys any property of any promoters, lessees, or licensees, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalties for wilful injury or obstruction to tramways, etc.

50. If any person, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things; (namely,)

Interferes with, removes, or alters any part of a tramway or of the works connected therewith;

Places or throws any stones, dirt, wood, refuse, or other material on any part of a tramway;

Does or causes to be done any thing in such manner as to obstruct any carriage using a tramway, or to endanger the lives of persons therein or thereon;

Or knowingly aids or assists in the doing of any such thing;

he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding five pounds.

[*See 63 & 64 Vict. cc. cxxxviii, s. 24, and cclxx. s. 43, and the London County Council's Tramway Acts 1901—1906.*]

Penalty on passengers practising frauds on the promoters.

51. If any person travelling or having travelled in any carriage on any tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding forty shillings.

Transient offenders.

52. It shall be lawful for any officer or servant of the promoters or lessees of any tramway, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned, and whose name or residence is unknown to such officer or servant until such person can be conveniently taken before a Justice, or until he be otherwise discharged by due course of law.

53. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding twenty pounds for every such offence, and it shall be lawful for such promoters or lessees to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for bringing dangerous goods on the tramway.

54. If any person (except under a lease from or by agreement with the promoters, or under license from the Board of Trade, as by this Act provided,) uses a tramway or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of such tramway, such person shall for every such offence be liable to a penalty not exceeding twenty pounds.

Penalty for persons using tramways with carriages with flange wheels, etc.

Miscellaneous.

55. The promoters or lessees, as the case may be, shall be answerable for all accident, damages, and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Promoters or lessees to be responsible for all damages.

56. All tolls, penalties, and charges under this Act, or under any bye-law made in pursuance of this Act, may be recovered and enforced as follows; in England before two Justices of the Peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same. . . . [*Part omitted relates to recovery of penalties in Scotland.*]

Recovery of tolls, penalties, etc.

57. Notwithstanding anything in this Act contained the promoters of any tramway shall not acquire or be deemed to acquire any right other than that of user of any road along or across which they lay any tramway. . . . [*Part omitted (as to turnpike tolls) rep. 56 & 57 Vict. c. 51 (S.L.R.).*]

Right of user only.

58. [*As to agreements between promoters and turnpike trustees. Rep. 56 & 57 Vict. c. 51 (S.L.R.).*]

59. Nothing in this Act shall limit or interfere with the rights of any owner, lessee, or occupier of any mines or minerals lying under or adjacent to any road along or across which any tramway shall be laid to work such mines and minerals, nor shall any such owner, lessee, or occupier be liable to make good or pay compensation for any damage which may be occasioned to such tramway by the working in the usual and ordinary course of their mines or minerals.

Reservation of rights of owners, etc. of mines.

60. Nothing in this Act shall take away or affect any power which any road authority, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation, may have by law to widen, alter, divert, or improve any road, railway, tramway, or inland navigation.

Reserving powers of street authorities to widen, etc. roads.

61. Nothing in this Act shall limit the powers of the local authority or police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the promoters or of lessees as to the traffic of other persons. [*See 2 & 3 Vict. c. 47, ss. 51 and 52; 30 & 31 Vict. c. 134, s. 24; and 6 Edw. 7, c. clxxxi. s. 12.*]

Power for local or police authorities to regulate traffic in roads.

Reservation
of right of
public to use
roads.

62. Nothing in this Act or in any byelaw made under this Act shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable only to run on the rail of the tramway.

Regulating
inquiries
before referee
appointed by
the Board of
Trade.

63. Every inquiry which by this Act the Board of Trade are empowered to make or direct shall be made in accordance with the following provisions :

1. The inquiry shall be held in public before an officer to be appointed in that behalf by the Board, herein-after called the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him :
2. Ten days notice at the least shall be given by the referee to the parties upon whose representation the Board of Trade shall have directed the inquiry, of the time and place at which the inquiry is to be commenced :
3. The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time as may be necessary to such time and place as he may think fit :
4. The referee by summons shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee, and answer all questions touching the matter to be inquired into, and any person who wilfully disobeys any such summons or refuses to answer any question put to him by such referee for the purposes of the said inquiry shall be liable to a penalty not exceeding five pounds : Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case in obedience to any such summons to travel more than ten miles from his place of abode :
5. The referee may and shall administer an oath, or an affirmation where an affirmation in lieu of an oath would be admitted in a court of justice, to any person tendered or summoned as a witness on the inquiry :
6. Any person who upon oath or affirmation wilfully gives false evidence before the referee shall be deemed guilty of perjury :
7. The referee shall make his report to the Board of Trade in writing, and shall deliver copies of the report upon request to all or any of the parties to the inquiry.

Rules for
carrying Act
into effect.

64. The Board of Trade may from time to time make, and, when made, may rescind, annul, or add to, rules with respect to the following matters :

1. The proceedings to be had before the Board under this Act :
2. The payment of money or lodgment of securities by way of deposits, the repayment and forfeiture of the same, the investment of the same, the amount and payment of interest or dividends from time to time accruing due on such deposits.
3. The plans and sections of any works to be deposited by promoters under this Act :
4. As to any other matter or thing in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting within three weeks after the beginning of the then next session of Parliament.

SCHEDULE A.

PART I.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.
ENGLAND AND WALES.		
The city of London and the liberties thereof.	The Mayor, Aldermen, and Commons of the City of London.	The consolidated sewers rate.
The metropolis (1.)	The Metropolitan Board of Works.*	The metropolitan consolidated rate.

[Part omitted relates to authorities, districts, and rates outside London.]

Note.—(1.) "The metropolis" shall include all parishes and places in which the Metropolitan Board of Works * have power to levy a main drainage rate, except the city of London and the liberties thereof.

(2.) [Definition of "borough." Not applicable to London.]

PART II.

Districts of Road Authorities.	Description of Road Authority of Districts set opposite its Name.
Parishes within the metropolis (1.) mentioned in Schedule (A.) to the Metropolis Management Act, 1855.†	The vestries appointed for the purposes of the Metropolis Management Act, 1855.†
Districts within the metropolis (1.) formed by the union of the parishes mentioned in Schedule (B.) to the Metropolis Management Act, 1855.†	The board of works for the district appointed for the purpose of the Metropolis Management Act, 1855.†

Note.—(1.) The term "metropolis" has in this part the same meaning as in Part I. of this Schedule.

SCHEDULE C.

PART I.

Notice and Deposit of Lease by Local Authority.

One month before any lease is submitted to the Board of Trade, notice of the intention to make such lease shall be given by advertisement.

(1.) Every advertisement is to contain—

1. The term of the lease.
2. The rent reserved.
3. A general description of the covenants and conditions contained therein.
4. The place where the same is deposited for public inspection.

(2.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the district affected by the proposed lease ; or if there be no such newspaper, then in some one and the

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (S).

† Now the metropolitan boroughs and the councils thereof respectively. See 62 & 63 Vict. c. 14, ss. 4 and 19.

same newspaper published in the county in which such district, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(3.) The advertisement is also, in every case, to be inserted once at least in the London or Edinburgh Gazette, accordingly as the district to which it relates is situate in England or Scotland.

Deposit.

A copy of such lease shall be deposited for public inspection during office hours at the office of the local authority or at some other convenient place within the district to which such lease relates.

PART II.

Notice of Byelaws.

Within one month after the making of any byelaw notice of the making of the same, and a copy of such byelaw, shall be published by advertisement in manner following:

(1.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the district affected by such byelaw: or if there be no such newspaper, then in some one and the same newspaper published in the county in which such district, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(2.) The advertisement is also, in every case, to be inserted once at least in the London or Edinburgh Gazette, accordingly as the district to which it relates is situate in England or Scotland.

34 & 35 VICTORIA. A.D. 1871.

CHAPTER 113.

AN ACT TO AMEND "THE METROPOLIS WATER ACT, 1852;" AND TO MAKE FURTHER PROVISION FOR THE DUE SUPPLY OF WATER TO THE METROPOLIS AND CERTAIN PLACES IN THE NEIGHBOURHOOD THEREOF.

[21st August 1871.]

[*Preamble (reciting 15 & 16 Vict. c. 84) rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Metropolis Water Act, 1871."

This and recited Act to be as one.

2. This Act and the Metropolis Water Act, 1852, as the same is amended by this Act, shall be read and construed together as one Act.

Interpretation of terms.

3. In this Act,—

The expression "the metropolis" shall mean the metropolis as defined by the Metropolis Management Act, 1855:

The term "company" shall mean and include any of the companies * following; that is to say,—

* The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called "The New River Company;"

* The East London Waterworks;

* The Southwark and Vauxhall Water Company;

* The Company of Proprietors of the West Middlesex Waterworks Company;

* The Company of Proprietors of Lambeth Waterworks;

* The Governor and Company of Chelsea Waterworks;

* The Grand Junction Waterworks Company;

* The Company of Proprietors of the Kent Waterworks;

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41, s. 1.

and also any other corporation, company, board, commissioners, association, person, persons, or partnership, for the time being supplying water for domestic use * within the limits of this Act :

The term "person" shall include a corporation aggregate or sole [see 52 & 53 *Vict. c. 63, s. 2*]:

The expression "water limits" in relation to a company shall mean such parts of the limits within which such company is authorised to supply water as are within the limits of this Act :

The expression "the special Act" in relation to a company shall mean and include every and any Act of Parliament relating to such company :

The expression "metropolitan authority" shall mean, in the places specified in the table in the Schedule (A.) to this Act annexed, the bodies or persons named in the same table :

The term "district" shall mean the area selected for the purpose of constant supply, such area being within the jurisdiction of a metropolitan authority, and also within the water limits of a company, and being coterminous with some one or more services of such company :

The term "premises" shall mean and include any dwelling-house and any part of a dwelling-house, and any stable, yard, or other offices used together or in connexion with any dwelling-house or any part of a dwelling-house :

The term "prescribed" shall mean prescribed by any regulations made under the authority of this Act :

The term "fittings" includes communication pipes, and also all pipes, cocks, cisterns, and other apparatus used or intended for supply of water by a company to a consumer, and for that purpose placed in or about the premises of the consumer :

The term "owner" means the person who, for the time being, receives the rackrent of the premises with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any person, or who would so receive the same if the premises were let at a rackrent, and includes every successive owner from time to time of the premises, being such for any part of the time during which the enactment wherein that term is used operates in relation to the premises :

Premises shall be deemed to be on the same service, or on a service, when water is supplied to them by a company from the same service pipe.

[Part omitted (definition of "court of summary jurisdiction") *rep. 56 & 57 Vict. c. 54 (S.L.R.)*. See 52 & 53 *Vict. c. 63, s. 13 (11)*.]

4. The limits within which the provisions of this Act shall be in force Limits of Act. and have effect (in this Act referred to as "the limits of this Act") shall include the metropolis and the several places set out in the Schedule to the Metropolis Water Act, 1852, which do not form part of the metropolis. [See also 60 & 61 *Vict. c. 56, s. 3*.]

5. [Repeal of the parts of the Metropolis Water Act 1852 specified in Schedule B. *Rep. 46 & 47 Vict. c. 39 (S.L.R.)*.]

6. . . . Every company shall on Sundays as on other days supply sufficient pure and wholesome water for the domestic use * of the inhabitants within their water limits. [Words omitted ("from and after the passing of this Act") *rep. 56 & 57 Vict. c. 54 (S.L.R.)*.] supply of water on Sundays.

* See 54 & 55 *Vict. c. 76, s. 50*.

Constant Supply.

Companies to
provide constant
supply
of water.

7. Subject to the provisions of this Act, every company may, and . . . every company shall, when required so to do, in the manner directed by this Act, provide and keep throughout their water limits, or throughout such parts of such limits as they may be required in manner aforesaid, a constant supply of pure and wholesome water sufficient for the domestic purposes* of the inhabitants within such water limits constantly laid on at such pressure as will make such water reach the top story of the highest houses within such water limits (but not exceeding the level prescribed by the special Act) of such company (which supply is in this Act referred to as a "constant supply"); and every such company shall, subject to the provisions of the special Act as the same are amended by this Act, give and continue to give to such inhabitants a constant supply for domestic purposes* in manner prescribed. [*Extended as to East Ham by the East Ham Improvement Act 1898, s. 51, and as to Leyton by the Leyton Urban District Council Act 1898, s. 56. Words omitted ("from and after eight months from the passing of this Act") rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Application
for constant
supply.

8. . . . The metropolitan authority shall, whenever they are of opinion that there should be in any district a constant supply, make application to the company within the water limits in which such district is situate, requiring a constant supply in such district, and any company may without any such application propose to the metropolitan authority to give a constant supply in any district. [*Words omitted ("at any time after the expiration of six months from the passing of this Act") rep. 56 & 57 Vict. c. 54 (S.L.R.).*]

Appeal to
Board of
Trade.

9. When application has been made to any company requiring such company to provide a constant supply, or when any company has given notice to a metropolitan authority of a proposal to give a constant supply in any district, and the company so required, or the metropolitan authority upon whom notice of such proposal has been served, object to such requisition or proposal, it shall be lawful for such company or metropolitan authority, within one month after the making of such application or service of such notice, to present a memorial to the Board of Trade,† setting forth their objections to such requisition or proposal, and the party presenting such memorial, or such company, shall give notice to the other party of the presentation of such memorial, and shall transmit to such party a copy of the same. The Board of Trade† shall, as soon as conveniently may be after the receipt of such memorial, take the same into their consideration, and may, if they think fit, institute any inquiry in relation thereto, and may hear such company and authority desiring to be heard, and may make such order in reference thereto, and as to the costs thereof and incident to the same, as to them shall seem just.

Restriction
as to com-
pulsory
supply by
companies.

10. No company shall be compelled to give a constant supply to any premises in any district until the regulations provided for by this Act are made and are in operation within such district, or if it can be shown by such company that at any time after the expiration of two months from the time of the service of any requisition for constant supply more than one fifth of the premises in such district are not provided with the prescribed fittings, without prejudice nevertheless to any renewed requisition at a future period.

In any district in which any default in respect of the prescribed fittings shall be found, the metropolitan authority may by notice in writing require the owner or occupier of any such premises, within a time to be specified in such notice, to provide the prescribed fittings, or to cause the fittings in such premises to be repaired so as to prevent any waste of

* See 54 & 55 Vict. c. 76, s. 50.

† Now the Local Government Board. See the Public Health Act 1872, s. 35; the Public Health Act 1875, s. 343, and Sch. V. Parts I. and III.; and 54 & 55 Vict. c. 76, s. 142.

water, and if any person fail to comply with the terms of such notice the metropolitan authority may provide for such premises the prescribed fittings, or repair the fittings within the same, as the case may be.

The expenses incurred by the metropolitan authority in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied, or on whose credit the water is supplied, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises, from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the full amount of such expenses and costs: Provided further that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

11. It shall be lawful for the Board of Trade,* at any time . . . to require a constant supply to be provided in any district by the company within the water limits of which such district is situate, upon complaint made, and in case it appears to such Board, after due inquiry,—

Power to Board of Trade to require constant supply, in certain cases.

That the metropolitan authority refuses to make or unreasonably delays making application for such constant supply, or

That, by reason of the insufficiency of the existing supply of water in such district, or the unwholesomeness of such water in consequence of its being improperly stored, the health of the inhabitants of such district is or is likely to be prejudicially affected.

[Words omitted ("after the expiration of six months from the passing of this Act") *rep.* 56 & 57 Vict. c. 54 (*S.L.R.*).]

12. Where a constant supply is required in any district, notice to that effect shall be served, on behalf of the party requiring the same, upon the company required to provide such supply; and where a constant supply is proposed to be given in any district by any company, notice to that effect shall be served on behalf of such company upon the metropolitan authority. In every such notice shall be stated accurately the district in which such constant supply is required or proposed to be given, and the day (not being an earlier day than four months after the date of the service of such notice) upon and from which such supply is to commence.

Notice requiring or proposing constant supply to be served upon company or metropolitan authority.

13. Where a constant supply is required in any district, and the company is unable, from want of funds or other cause of any kind, to execute all the necessary works within the time prescribed by this Act, the Board of Trade,* if they think fit, may extend the time for the giving of such supply generally, or may extend the time, and direct such supply to be given at different times in succession, to the several parts of such district, in such manner as may be found most convenient: Provided that application be made by the company for such extension of time within one month after the notice referred to in the last preceding section has been served upon them.

Extension of time to companies.

14. With respect to cases where a group or number of dwelling houses are situate in a court or passage, or otherwise in contiguity with or in close neighbourhood to one another, the following further provisions shall have effect; that is to say,

Provision for supply in courts, passages, etc.

* See note to s. 9.

- (1.) If at any time it appears to the Board of Trade,* on the report of the nuisance authority,† as defined by the Sanitary Act, 1866,‡ that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses, except by means of a stand-pipe or other apparatus placed outside the dwelling-houses the Board of Trade* may from time to time make an order to the effect that such group or number of dwelling-houses may be so supplied, and shall serve the same on the company within whose water limits the dwelling-houses are situate :
- (2.) If the requisite stand-pipe or other apparatus in accordance with the regulations of the company is provided, then the company shall give to those dwelling-houses a supply accordingly by means of the stand-pipe or other apparatus so provided, and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given in the premises. The expense of providing such stand-pipe or other apparatus shall be borne by the owner of the dwelling-houses, or if there is more than one owner then by the respective owners in such proportions as the Board of Trade* shall direct :
- (3.) The Board of Trade* may at any time abrogate, wholly or in part, the order, or may originally grant it only for a limited period.

[See 57 Geo. 3, c. xxix. s. 21.]

Provision for case of frost, etc.

15. Notwithstanding anything in this Act, a company shall not be subject to any liability for not giving a constant supply if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Penalties for non-compliance with preceding provisions.

16. Any company which violates, refuses, or neglects to comply with any of the preceding provisions of this Act shall be liable to a penalty not exceeding two hundred pounds and to a further penalty not exceeding one hundred pounds for every month during which such violation or refusal or neglect to comply with the said provisions continues after they shall have received notice in writing from the Board of Trade* to discontinue such violation, refusal, or neglect as aforesaid.

Regulations.

Company may make regulations.

§ 17. Every company shall, within six months after the passing of this Act, make regulations for the purpose for which regulations may be made under the authority of section 26 of the Metropolis Water Act, 1852, and the provisions of that section shall apply also to the preventing of undue consumption or contamination of water.

Amendment of regulations.

§ 18. Any company, if it thinks fit, or if requested so to do by the Board of Trade,* may repeal or alter any of the regulations made for the purposes aforesaid, or make new regulations instead of any of the same.

In case of default by companies, Board of Trade may appoint person to report as to regulations, and may make same.

§ 19. In case any company does not make regulations within the time specified in this Act, or in case any company, on being requested in writing by the metropolitan authority, or by any ten consumers of the water supplied by that company, to repeal or alter any of the regulations for the time being in force, or to make new regulations instead of any of the same, refuses so to do, the Board of Trade* may, if they think fit, appoint a competent and impartial person of engineering knowledge and experience to report to them as to such regulations as may be necessary for the execution of this Act, or as to the expediency of altering or repealing such

* See note to s. 9.

† Now, in London, the metropolitan borough councils, established by 62 & 63 Vict. c. 14.

‡ Rep. and replaced, as regards London, by 54 & 55 Vict. c. 76, s. 142.

§ See, as regards ss. 17—25, 62 & 63 Vict. c. 14, s. 5 (2).

regulations, or of making new regulations, in conformity with such request as aforesaid, and on the report of such person the Board of Trade* may make such regulations, repeal, or alterations as they think fit.

† 20. By any regulations made under the authority of the Metropolis Water Act, 1852, or of this Act, penalties may be imposed for offences against the same not exceeding in respect of any offence the sum of five pounds, so that every such regulation be so framed as to allow part only of the maximum penalty being inflicted, and any such penalty shall be recoverable as penalties under this Act are recoverable.

Penalties for offences against regulations.

† 21. Within four days after the making of any regulation, or of any repeal of or alteration in any regulation, notice of the same shall be served upon the metropolitan authority by the company or person making the same.

Notice of regulations to be delivered to metropolitan authority.

† 22. No regulation, and no repeal or alteration of any regulation, made under the authority of the Metropolis Water Act, 1852, or of this Act, by a company, shall be of any force or effect unless and until the same be submitted to and confirmed by the Board of Trade,* who may institute such inquiry in relation thereto as they shall think fit, and who at such inquiry shall hear the metropolitan authority, and the company, if desiring to be heard, and the said Board shall, if they think fit, or if requested, nominate and have present at such inquiry to advise and assist them a competent and impartial waterworks engineer. The Board of Trade* may, after such inquiry, confirm or disallow any such regulation, repeal, or alteration, in whole or in part, or may confirm the same with such modification or alteration as they may think proper; and no such regulation, repeal, or alteration shall be made by the Board of Trade* on any such report as aforesaid, except after a like inquiry and hearing, with the like advice and assistance as aforesaid: Provided that no such regulation, repeal, or alteration shall be confirmed or made (as the case may be) by the Board of Trade* unless notice in that behalf shall have been given by the company to which the same relates, or by such person as the Board of Trade* direct, in the "London Gazette" and in two daily morning newspapers circulated within the limits of this Act, one month at least before the inquiry; and one month at least before any such inquiry is held a copy of the regulation, repeal, or alteration in question shall be sent by such company or person to the office of the metropolitan authority, and the same shall for one month be kept open during office hours at the respective offices of the metropolitan authority and of the said company to the inspection of all persons, without fee or reward, and a copy of the same or of any part thereof shall be furnished to every person who shall apply for the same, on payment of sixpence for every one hundred words contained in such copy.

Confirmation of regulations.

† 23. A printed copy of all regulations in force for the time being shall be kept at the office of the metropolitan authority and of every company within the limits of this Act, and all persons may at all reasonable times inspect such copy without payment, and each company shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment of any sum not exceeding one shilling and sixpence for every such copy, and a printed copy of the regulations for the time being in force relative to any particular district only to every person applying for the same, on payment of any sum not exceeding threepence for every such copy.

Publication of regulations.

† 24. All regulations, and every repeal of or alteration in any regulation made, shall, after publication in manner by the last preceding section of this Act directed, be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same, and a company shall not be bound under any agreement to supply or continue to

Regulations to be binding upon all parties.

* See note to s. 9.

† See, as regards ss. 17—25, 62 & 63 Vict. c. 14, s. 5 (2).

supply water to any premises unless such regulations as are for the time being in force are duly observed in respect of those premises.

Evidence of regulations.

* 25. A printed copy of regulations relating to any company, dated and purporting to be made as aforesaid, and to be authenticated by the seal of such company, shall be conclusive evidence of the existence and of the due making, confirmation, and publication of such regulations in all prosecutions or proceedings under the same, without adducing proof of such seals, or of the fact of such confirmation or publication of such regulations or of any of the requirements of this Act relative thereto having been complied with.

Supply of prescribed Fittings.

Notice relating to constant supply to be published in London Gazette, etc.

26. When notice in relation to a constant supply in any district has been served upon or by any company, the party by whom or on whose behalf such notice shall be served shall, within five days after the service thereof, cause to be published a copy of the same once in the London Gazette, and copies of the same once at least in each of two successive weeks in any two daily newspapers circulated within the limits of this Act.

Company may issue notice upon owners and occupiers to provide prescribed fittings.

27. Where in any district any company is required or has proposed to provide a constant supply, such company may, at any time after the expiration of one month after the publication in the London Gazette of a copy of the notice requiring or proposing such constant supply, unless a memorial or application has been presented or made to the Board of Trade† objecting to such constant supply or seeking an extension of time, and if any such memorial or application has been presented or made, then at such time after the determination of the Board of Trade† in relation to such memorial or application as such Board shall approve and order, cause to be served on the owner or occupier of any premises within such district a notice requiring such owner or occupier to supply such premises with the prescribed fittings.

Owner or occupier to provide prescribed fittings.

28. Every owner or occupier of premises upon whom notice to that effect has been served shall, within two months after the date of the service of such notice, provide the prescribed fittings, and shall from time to time keep the same in proper repair.

In case of default by owner or occupier, company may provide or repair prescribed fittings.

29. Where in any district any company is required or has proposed to provide a constant supply, and

Any owner or occupier of premises upon whom notice to provide prescribed fittings has been served by such company makes default in providing the prescribed fittings, such company, if they think fit, may provide such fittings; or

Where in any such district the fittings of any person are out of order, and not as prescribed, such company may by notice in writing require such person, within twenty-four hours after the date of the service of such notice, to cause the same to be repaired, so as to prevent any waste of water; and if any person fail to comply with the terms of such notice such company (if they think fit) may repair the fittings of such person.

The expenses incurred by such company in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied or on whose credit the water is supplied by means of such fittings, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but

* See, as regards ss. 17—25, 62 & 63 Vict. c. 14, s. 5.

† See note to s. 9.

if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the whole amount of such expenses and costs: Provided, that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

30. Where in any district any company is required or has proposed to provide a constant supply, the officers or agents of such company, or of the party requiring such supply, or any person appointed for such purpose by the Board of Trade* may, at all reasonable times, enter any premises within such district, in order to inspect the premises for the purposes of this Act, and examine the same with a view to ascertain whether there are in or about the same the prescribed fittings, or, where authorised under the provisions of this Act, to provide or repair the fittings; and if any person hinder any such officer, agent, or person from entering and making such inspection or examination, or providing or repairing such fittings, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

Power to enter premises for inspection and repair of fittings.

31. In the event of any dispute as to whether the fittings of any person are as prescribed, such dispute shall be settled by the court of summary jurisdiction, on the application of either party, which court may make such order as to the amount of the costs of the proceedings before such court as seems just, and the decision of such court shall be final and binding on all parties.

Settlement of disputes as to sufficiency, &c. of fittings.

32. Where in any district any company is required or has proposed to provide a constant supply,—

Penalties for non-compliance with the provisions of Act.

If any person supplied with water by such company wilfully or negligently causes or suffers any fittings to be out of repair, or to be so used or contrived as that the water supplied to him by such company is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of such company, he shall for every such offence be liable to a penalty not exceeding five pounds; or

If any person supplied with water by such company wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the special Act or this Act, or wrongfully fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of such company, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied; and in every case of so cutting off or ceasing to supply, the company shall within twenty-four hours thereafter give to the nuisance authority,† as defined by the Sanitary Act, 1866,‡ notice thereof.

[See also 54 & 55 Vict. c. 76, s. 49.]

33. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12–19 (inclusive) of the Nuisances Removal Act for England, 1855,§ and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855,§ unless and until the contrary is shown to the satisfaction of the Justices acting under that section.

Absence of proper water fittings in premises to be a nuisance.

* See note to s. 9.

† See notes to s. 14.

‡ Rep. (except as to the metropolis) by the Public Health Act 1875. See *ibid.* ss. 35, et seq. Whole Act rep. by 54 & 55 Vict. c. 76. See *ibid.* ss. 2 and 142.

Provision
respecting
fire-plugs.

* **34.** Section 32 of the Metropolitan Fire Brigade Act, 1865, shall operate, subject and according to the provisions following; (that is to say,)

- (1.) In that section and in this provision the term "fire-plug" and the term "plug" shall include hydrant and all other apparatus necessary or proper in connexion with the company's pipes for supply of water in case of fire:
- (2.) Where a company give a constant supply in any part of their water limits they may, if they think fit, give notice thereof to the Metropolitan Board of Works†:
- (3.) If the Metropolitan Board of Works† do not within two months after receipt of any such notice specify, as regards that part of the company's water limits, what plugs for supply of water in case of fire, at what places, of what dimensions, and in what form they require the company to provide, then, at any time after the expiration of that time, the company may, if they think fit, provide in and for that part of their water limits such plugs for supply of water in case of fire, at such places, of such dimensions, and in such form as to the company seem necessary or proper:
- (4.) Thereupon, as regards that part of the company's water limits, the company shall be deemed to have fully discharged all obligations imposed on them by the said section 32:
- (5.) All plugs provided by a company in pursuance of this provision may, for the purposes of the fire brigade, be used as if they had been provided on the requisition of the Metropolitan Board of Works† under the said section 32:
- (6.) The providing of plugs by a company under this provision shall be at the expense of the Metropolitan Board of Works,† and the costs, charges, and expenses of the company in or about the providing of the same shall be paid to the company by the Metropolitan Board of Works,† on demand, out of their general rate,‡ and in default may be sued for and recovered, with costs, by the company in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount.

Quality of Water.

Power to
Board to
appoint per-
sons to
inquire and
report as to
quality of
water.

35. The Board of Trade§ may at any time, if and when they think fit, appoint a competent person to inquire into and report on the quality of the water furnished by any company, notwithstanding that no complaint has been made and signed by twenty inhabitant householders, as prescribed by section 9 of the Metropolis Water Act, 1852; and sections 10 and 11 and 13, and the other provisions of that Act, shall apply in every respect as if such person were appointed under section 9 of that Act, and as if any matter reported to the Board of Trade§ as requiring alteration on the part of a company had been the subject of a complaint by such householders as aforesaid.

Appointment
and duties
of water
examiner.

36. There shall be a water examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade,§ who shall from time to time, in such manner as the Board of Trade § direct, examine the water supplied by any company, in order to ascertain whether or not the company have complied with the requirements of section 4 of the Metropolis Water Act, 1852, and shall from time to time report the results of his several examinations to the Board of Trade§; and the Board of Trade § shall send a copy of every such report to the company

* See also 57 & 58 Vict. c. cxxii. s. 4.

† Now the London County Council. See 51 & 52 Vict. c. 41. s. 40 (8)

‡ Now the county rate. See 51 & 52 Vict. c. 41, s. 68.

§ See note to s. 9.

to which the same relates, and the company may, if they think fit, on each occasion of such examination, be represented thereat by some officer, but such officer shall not interfere in the examination.

There shall be paid to such water examiner such remuneration by the companies and in such proportions as such Board appoints.

37—42. [*As to companies' accounts. Rep. 2 Edw. 7, c. 41, s. 38. See ibid. ss. 15—22.*]

Arbitration.

43. Where any dispute arises between any persons whatsoever in relation to the execution of this Act, or to any act, matter, or thing incident to or consequent upon the execution of the same, and where the method of determining any such question in dispute is not expressly provided for, such question may, if the parties so desire, be settled by arbitration in manner prescribed by the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration. Disputes may be settled by arbitration.

Penalties.

44. Every penalty incurred by any company by reason of non-compliance with any of the provisions of this Act shall go and belong to the metropolitan authority within the jurisdiction of which the same has been incurred, and may be sued for and recovered by such metropolitan authority in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount, and shall be paid and applied as such metropolitan authority shall from time to time direct. Be every and application of penalties.

Every such penalty shall be borne and paid (to the satisfaction of the auditor appointed as in this Act provided) exclusively by and out of the divisible profits of the company by whom the penalty is incurred, and by way of reduction of dividend.

45. Except as is by the next preceding section expressly provided, all penalties under this Act may be sued for and recovered in the "court of summary jurisdiction." Summary proceedings for penalties, etc.

Miscellaneous.

46. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, or other document) made, given, delivered, or served under this Act, or any regulation thereunder, . . . if the instrument of a company, shall be sufficiently authenticated by the name of their secretary being affixed thereto in . . . writing, or by a stamp on behalf of the company; and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description; and any such instrument may be addressed to owners or occupiers of any number of contiguous or neighbouring premises collectively, and when so addressed may be served on more owners and occupiers than one (so that separate copies be served on the respective owners and occupiers of the several premises concerned; and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the premises in respect of which it is given or served, or if the premises are unoccupied, and the place of abode of the person to be served is, after diligent inquiry, unknown, it shall be sufficient to affix it, or a copy thereof, on some conspicuous part of such premises. [*Words omitted ("may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and "print or") rep. 56 & 57 Vict. c. 54 (S.L.R.). See also 52 & 53 Vict. c. 63, s. 20.*]

Firm and service, etc. of instruments.

Act not to apply to certain property and accounts of the New River Company.

Incoming tenant not to pay arrears of outgoing tenant, unless by express agreement.

Amendment of sections 17 and 18 of Metropolis Water Act, 1852.

Saving for ordinary powers.

47. Nothing in this Act shall be deemed to apply to any of the landed estate, houses, or property of the New River Company not directly used for or connected with their water supply. . . . [*Part omitted (as to audit of New River Company's accounts) rep. 2 Edw. 7, c. 41, s. 39. See ibid. ss. 15—22.*]

48. In case any consumer leave the premises where water was supplied to him without paying to the company the rate due from him, the company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, but the company shall, notwithstanding any such arrears, supply water to the incoming tenant, on being required by him so to do.

49. Sections 17 and 18 of the Metropolis Water Act, 1852, shall be read as if instead of the words “district mains” and “district main” in the said sections the words “pipes” and “pipe” were substituted respectively; and every company shall, upon the map, and upon every alteration of the same made in conformity with the provisions of the said section 17, as amended by this section, cause to be marked every screw-cock or apparatus by means of which water is permitted to flow or is prevented from flowing from the main into any pipe within the water limits of such company.

50. Except as in this Act provided, nothing in this Act shall take away, abridge, or prejudicially affect any right or power which a company would have had under their special Act or the Metropolis Water Act, 1852, or under any charter or otherwise, if this Act had not been passed.

51. [*Expenses of obtaining Act. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

SCHEDULE A.

Places.	Description of Metropolitan Authority.
The city of London and the liberties thereof.	The Mayor, Aldermen, and Commons of the City of London.
The metropolis, except the city of London and the liberties thereof.	The Metropolitan Board of Works.*
Any place within the limits of this Act not included in the above descriptions, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any local Act with powers of improving, cleansing, or paving such place.	The Commissioners, trustees, or other persons intrusted by the local Act with powers of improving, cleansing, or paving.
Any place within the limits of this Act not included in the above descriptions, and within the jurisdiction of local boards constituted in pursuance of the Public Health Act, 1848,† and the Local Government Act, 1858,† or one of such Acts.	The local board.
Any place or parish within the limits of this Act not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry.

SCHEDULE B. [*Sections of 15 & 16 Vict. c. 84, repealed—viz. ss. 15 (in part), 19—22, and 27. Rep. 46 & 47 Vict. c. 39 (S.L.R.). See also 2 Edw. 7, c. 41, s. 38.*]

SCHEDULE C. [*Dates antecedent to which companies' accounts are not to be investigated. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† Rep. and replaced by the Public Health Act 1875. See *ibid.* ss. 5—12.

35 & 36 VICTORIA. A.D. 1872.

CHAPTER 91.

AN ACT TO AUTHORISE THE APPLICATION OF FUNDS OF MUNICIPAL CORPORATIONS AND OTHER GOVERNING BODIES IN CERTAIN CASES.*

[10th August 1872.]

[*Preamble recites the Municipal Corporations Acts 1835† and 1857‡; and that the Public Health Act 1848,§ the Local Government Act 1858,|| and various Local Acts of Parliament, have conferred powers of improvement, cleansing, paving, lighting, and otherwise governing places or districts upon boards of health, commissioners, trustees, or other persons; and that it is expedient to extend the powers of governing bodies so as to enable them to apply the borough or other funds under the control of such governing body towards such costs, charges, and expenses as may be incurred for the purposes and in the manner herein provided.*]

1. The term "governing body" § in this Act shall mean the council of any municipal borough, the board of health, local board, commissioners, trustees, or other body acting under any general or local Act of Parliament for the management, improvement, cleansing, paving, lighting, and otherwise governing places or districts, and the term "district" shall mean the borough, place, township, or district within which the governing body may for the time being have jurisdiction. . . . [*Part omitted relates to the borough of Cambridge.*]

Interpretation of terms.

2. When in the judgment of a governing body in any district it is expedient for such governing body to promote or oppose any local and personal Bill or Bills in Parliament, or to prosecute or defend any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the district, it shall be lawful for such governing body to apply the borough fund, borough rate, or other the public funds or rates under the control of such governing body to the payment of the costs and expenses attending the same; and when there are several funds or rates under the control of the governing body, such governing body shall determine out of which fund or funds, rate or rates, such expense shall be payable, and in what proportions: Provided that nothing in this Act contained shall authorise any governing body to promote any Bill in Parliament for the establishment of any gas or water works to compete with any existing gas or water company established under any Act of Parliament: Provided that no powers contained in this clause shall apply in any case where the promotion of or opposition to a Bill by a governing body has been decided by a Committee of either House of Parliament to be unreasonable or vexatious. [*See 62 & 63 Viet. c. 14, s. 6 (6).*]

Costs of promoting or defending Bills in Parliament and other proceedings for benefit of inhabitants to be charged on borough and local funds, except in certain cases.

3. No payment to any member of a governing body for acting as counsel or agent in promoting or opposing any such Bill shall be charged as aforesaid.

No payment to member of governing body to be so charged.

4. No expense in relation to promoting or opposing any Bill or Bills in Parliament shall be charged as aforesaid unless incurred in pursuance of a resolution of an absolute majority of the whole number of the governing body at a meeting of the governing body, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in some local newspaper published or circulating in the district, such notice to be in addition to the ordinary notices required for summoning such meeting, nor unless such resolution shall have been published twice in some newspaper or newspapers circulating in the district, and shall have received, in respect of matters within the jurisdiction of the Local Government Board, the approval of such Board, and in respect of other matters, the approval of one of Her Majesty's Secretaries of State, and in case of the

Costs of promoting or opposing Bills to require sanction of special meetings.

* Short title, "The Borough Funds Act, 1872." See the Short Titles Act 1896.

† Rep. by the Municipal Corporations Act 1882, s. 5.

‡ Rep. by the Public Health Act 1875, s. 313.

§ See 51 & 52 Viet. c. 41, s. 15.

promotion of a Bill in Parliament no further expense shall be incurred or charged as aforesaid after the deposit of the Bill, unless the propriety of such promotion shall be confirmed by such absolute majority at a further special meeting to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament. . . . [*As to words in italics see 3 Edw. 7, c. 14, s. 8. Part omitted (as to the consent of owners and ratepayers of the district being required to promotions or oppositions) rep. 3 Edw. 7, c. 14, s. 10. See ibid. s. 1 and 1st Schedule.*]

Proviso as to approval of Local Government Board, etc. to any such resolution.

5. The approval of the Local Government Board, . . . shall not be given to any such resolution as aforesaid until the expiration of seven days after the second publication thereof, as provided by this Act, and in the meantime any ratepayer within the district of the governing body may give notice in writing to the Local Government Board . . . objecting to such approval. [*Words omitted ("or one of Her Majesty's principal Secretaries of State, as the case may be," and "or Secretary of State") rep. 3 Edw. 7, c. 14, s. 10.*]

Costs to be examined.

6. All costs, charges, and expenses incurred under the provisions of this Act shall, before the same become chargeable, be examined and allowed by some person to be authorised . . . by the Local Government Board . . . [*Words omitted ("by one of Her Majesty's principal Secretaries of State or," and "as the case may be") rep. 3 Edw. 7, c. 14, s. 10.*]

Power to direct local inquiry.

7. The Local Government Board . . . shall have power to direct a local inquiry to be held upon any application under this Act, by any person or persons whom they may respectively nominate for the purpose, and to charge the costs and expenses of such local inquiry upon the governing body or the person by whom such application shall be made. [*Words omitted ("or one of Her Majesty's principal Secretaries of State") rep. 3 Edw. 7, c. 14, s. 10.*]

Saving clause.

8. Nothing in this Act shall extend or be construed to alter or affect any special provision which is or shall be contained in any other Act for the payment of the costs, charges, and expenses intended to be provided for by this Act, or to take away or diminish any rights or powers now possessed or enjoyed by any governing body, or which are or shall be vested in or exercisable by the inhabitants of any district under any general or special Act.

Act not to extend to Bills if object attainable by Provisional Order.

9. [*Repeal of s. 14 of the Towns Improvement Clauses Act 1847. Rep. 46 & 47 Vict. c. 39 (S.L.R.).*]

Act not to apply to the Metropolis.

10. The provisions of this Act shall not extend to applications for any Bill in Parliament for any object which would, for the time being, be attainable by Provisional Order.

11. This Act shall not extend or apply to Ireland or the city of London. . . . [*Words omitted ("or the metropolitan area as defined by the Metropolitan Local Management Act 1855") rep. 3 Edw. 7, c. 14, s. 10.*]

37 & 38 VICTORIA. A.D. 1874.

CHAPTER 89.

AN ACT TO AMEND AND EXTEND THE SANITARY LAWS.*

[7th August 1874.]

46. [*Regulations to be made by the local authority under s. 9 of 14 & 15 Vict. c. 28 to be confirmed by the Local Government Board instead of by a Secretary of State. Spent. See 14 & 15 Vict. c. 28, s. 9, and note thereon.*]

* Short title, "The Sanitary Law Amendment Act, 1874." See the Short Titles Act 1896.

49. The keeper of every common lodging house which is registered under the Common Lodging Houses Acts . . . shall, when required to do so by the authority registering . . . the same, cause a notice with the words "Registered Lodging House" . . . to be affixed on some conspicuous place on the outside of the premises where the same can be seen by any inspector or officer of the sanitary authority.

Notices of common lodging houses and slaughter-houses to be affixed on premises.

Such notice shall be affixed within one month after the registration . . . and shall be continued undefaced and legible so long as the premises are used for the purpose.

Every person who shall make default in this respect, or shall neglect or refuse to affix or renew such notice after requisition in writing from the sanitary authority, shall be liable to a penalty not exceeding five pounds for every offence, and of ten shillings for every day that the neglect shall continue after conviction.

[Parts omitted (as to slaughter-houses) *rep.* 54 & 55 *Vict. c.* 76, *s.* 142.]

38 & 39 VICTORIA. A.D. 1875.

CHAPTER 55.

AN ACT FOR CONSOLIDATING AND AMENDING THE ACTS RELATING TO PUBLIC HEALTH IN ENGLAND. [11th August 1875.]

PART I.

Preliminary.

1. This Act may be cited as the Public Health Act, 1875.

short title.

4. In this Act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them; that is to say, Definitions.

"Improvement Commissioners" means any commissioners trustees or other persons invested by any local Act with powers of town government and rating:

"Union" means a union of parishes incorporated or united for the relief or maintenance of the poor under any public or local Act of Parliament, and includes any parish subject to the jurisdiction of a separate board of guardians:

"Person" includes any body of persons, whether corporate or unincorporate:

"Local authority" means urban sanitary authority and rural sanitary authority:

"Lands" and "premises" include messuages buildings, lands easements and hereditaments of any tenure:

"Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:

“Rackrent” means rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent:

“Drain” means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed.

“Sewer” includes sewers and drains of every description, except drains to which the word “drain” interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a local authority under this Act.

“Water company” means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit:

“Waterworks” includes streams springs wells pumps reservoirs cisterns tanks aqueducts cuts sluices mains pipes culverts engines and all machinery lands buildings and things for supplying or used for supplying water, also the stock in trade of any water company

PART III.

SANITARY PROVISIONS.

SEWERAGE AND DRAINAGE.

Regulations as to Sewers and Drains.

Sewage to be purified before being discharged into streams.

17. Nothing in this Act shall authorise any local authority to make or use any sewer drain or outfall for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal pond or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse or in such canal pond or lake.

WATER SUPPLY.

Powers of Local Authority in relation to Supply of Water.

Restriction on construction of waterworks by local authority.

52. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the local authority shall give written notice to every water company within whose limits of supply the local authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the local authority.

It shall not be lawful for the local authority to construct any waterworks within such limits if and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the local authority; and any difference as to

whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

108, 115. [*As to nuisances, etc., out of the district. See 51 & 55 Vict. c. 76, 1st Schedule, where these sections are set out.*]

130, 134, 135, 140. [*As to regulations and orders of the Local Government Board with respect to cholera, or other epidemic, endemic, or infectious diseases. See 51 & 55 Vict. c. 76, 1st Schedule, where these sections are set out.*]

PART V.

GENERAL PROVISIONS.

PURCHASE OF LANDS.

175. Any local authority may for the purposes and subject to the provisions of this Act purchase or take on lease sell or exchange any lands, whether situated within or without their district; they may also buy up any water-mill dam or weir which interferes with the proper drainage of or the supply of water to their district.

Any lands acquired by a local authority in pursuance of any powers in this Act contained and not required for the purpose for which they were required shall, (unless the Local Government Board otherwise direct) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards discharge, by means of a sinking fund or otherwise, of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of such fund or rate.

176. With respect to the purchase of lands by a local authority for the purposes of this Act, the following regulations shall be observed; (that is to say,)

(1.) The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, shall be incorporated with this Act, except the provisions relating to access to the special Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845:

(2.) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall

Publish once at the least in each of three consecutive weeks in the month of November, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require; and shall further

Serve a notice in the month of December on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neutral in respect of taking such lands:

(3.) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition under their seal to the Local

Government Board. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners lessees and occupiers of lands who have assented dissented or are neuter in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires:

- (4.) On the receipt of such petition and on due proof of the proper advertisements having been published and notices served the Local Government Board shall take such petition into consideration, and may either dismiss the same, or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no Provisional Order shall be made affecting any lands without the consent of the owners lessees and occupiers thereof:
- (5.) After the completion of such inquiry the Local Government Board may, by Provisional Order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the local authority to serve a copy of any Order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served:

Provided that the notices by this section required to be given in the months of November and December may be given in the months of September and October or of October and November, but in either of such last-mentioned cases an inquiry preliminary to the Provisional Order to which such notices refer shall not be held until the expiration of one month from the last day of the second of the two months in which the notices are given; and any notices or orders by this section required to be served on a number of persons having any right in over or on lands in common may be served on any three or more of such persons on behalf of all such persons.

Power to
let lands.

177. Any local authority may, with the consent of the Local Government Board, let for any term any lands which they may possess, as and when they can conveniently spare the same.

Provision
for lands
belonging to
the Duchy of
Lancaster.

178. The Chancellor and Council of the Duchy of Lancaster for the time being may, if they think fit, (but subject and without prejudice to the rights of any lessee tenant or occupier,) from time to time contract with any local authority for the sale of, and may (subject as aforesaid) absolutely sell and dispose of, for such sum as to the said Chancellor and Council may appear sufficient consideration, the whole or any part of any lands belonging to Her Majesty her heirs or successors in right of the said duchy, or any right interest or easement in through over or on any such lands which for the purposes of this Act such local authority from time to time deem it expedient to purchase; and on payment of the purchase money, as provided by the Duchy of Lancaster Lands Act, 1855, the said Chancellor and Council may grant and assure to the said authority under the seal of the said duchy, in the name of Her Majesty her heirs or successors the subject of such contract or sale, and such money shall be dealt with as if such subject had been sold under the authority of the Duchy of Lancaster Lands Act, 1855.

BYELAWS.

182—186. [*As to byelaws. See 54 & 55 Vict. c. 76, 1st Schedule, where these sections are set out.*]

187. Byelaws made by the council of any borough under the provisions of section ninety of the Act of the sixth year of King William the Fourth, chapter seventy-six, for the prevention and suppression of certain nuisances, shall not be required to be sent to a Secretary of State, nor shall they be subject to the disallowance in that section mentioned; but all the provisions of this Act relating to byelaws shall apply to the byelaws so made as if they were made under this Act. [*See 45 & 46 Vict. c. 50, s. 23 (6).*]

PART VI.

RATING AND BORROWING POWERS, ETC.

AUDIT.

Audit of Accounts of Local Authorities.

247. Where an urban authority are not the council of a borough the following regulations with respect to audit shall be observed; (namely.)

- (1.) The accounts of the receipts and expenditure under this Act of such authority shall be audited and examined once in every year, as soon as can be after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor* . . . [*See 51 & 52 Vict. c. 41, ss. 71 (1) and 73 (1); and 62 & 63 Vict. c. 14, s. 14*]:

[*Parts omitted (provisions applying where the auditor is a member of the authority whose accounts he is to audit) rep. 42 Vict. c. 6, s. 11.*]

- (2.) [*As to the remuneration of auditors. Rep. 42 Vict. c. 6, s. 11.*]
 (3.) Before each audit such authority shall, after receiving from the auditor the requisite appointment, give at least fourteen days notice of the time and place at which the same will be made, and of the deposit of accounts required by this section, by advertisement in some one or more of the local newspapers circulated in the district; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of such notice on any proceeding whatsoever;
 (4.) A copy of the accounts duly made up and balanced, together with all rate books account books deeds contracts accounts vouchers and receipts mentioned or referred to in such accounts, shall be deposited in the office of such authority, and be open, during office hours thereat, to the inspection of all persons interested for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward; and any officer of such authority duly appointed in that behalf neglecting to make up such accounts and books, or altering such accounts and books, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable to a penalty not exceeding five pounds [*See 45 & 46 Vict. c. 50, s. 233*];
 (5.) For the purpose of any audit under this Act, every auditor may, by summons in writing, require the production before him of all

* Auditors of accounts relating to the relief of the poor were first appointed under powers conferred by the Poor Law Amendment Act 1844, s. 32, upon the Poor Law Commissioners. The powers of appointment thereby conferred were repealed by the Poor Law Amendment Act 1868, and by s. 24 of that Act conferred upon the Poor Law Board, and then devolved, by the Local Government Act 1871, upon the Local Government Board. S. 24 of the Act of 1868 is repealed by 42 Vict. c. 6, s. 11; see also *ibid.* s. 4.

books deeds contracts accounts vouchers receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books deeds contracts accounts vouchers receipts documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books deeds contracts accounts vouchers receipts documents or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury:

- (6.) Any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances:
- (7.) Any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person, and on application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made *:
- (8.) Any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said Court, in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor †; and the said Court shall have the same powers with respect to allowances disallowances and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors; or in lieu of such application any person so aggrieved may appeal to the Local Government Board, ‡ which Board shall have the same powers in the case of the appeal as it possesses in the case of appeals against allowances disallowances and surcharges by the said poor law auditors:
- (9.) Every sum certified to be due from any person by an auditor under this Act shall be paid by such person to the treasurer of such authority within fourteen days after the same has been so certified, unless there is an appeal against the decision; and if such sum is not so paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due by the like process and with the like powers as in the case of sums certified on the audit of the poor rate accounts, and shall be paid by such authority all such costs and expenses, including a reasonable compensation for loss of time incurred by him in such proceedings, as are not recovered by him from such person: [*See the Poor Law Amendment Acts*

* See the Local Authorities (Expenses) Act 1887, s. 3, which is as follows: "3. Expenses paid by any local authority whose accounts are subject to audit by a district auditor shall not be disallowed by that auditor if they have been sanctioned by the Local Government Board."

† See the Poor Law Amendment Act 1844, s. 35.

‡ See the Poor Law Amendment Act 1844, s. 36.

1834, s. 99, and 1844, s. 32, and 1849, s. 9; and the *Summary Jurisdiction Act 1884, s. 11.*]

- (10.) Within fourteen days after the completion of the audit, the auditor shall report on the accounts audited and examined, and shall deliver such report to the clerk of such authority, who shall cause the same to be deposited in their office, and shall publish an abstract of such accounts in some one or more of the local newspapers circulated in the district.

Where the provisions as to audit of any local Act constituting a board of improvement commissioners are repugnant to or inconsistent with those of this Act, the audit of the accounts of such improvement commissioners shall be conducted in all respects in accordance with the provisions of this Act.

250. The accounts under this Act of officers or assistants of any local authority who are required to receive moneys or goods on behalf of such authority shall be audited by the auditors or auditor of the accounts of such authority, with the same powers incidents and consequences as in the case of such last-mentioned accounts. Auditor to audit accounts of officers.

PART VII.

LEGAL PROCEEDINGS.

Prosecution of Offences and Recovery of Penalties, etc.

265. No matter or thing done, and no contract entered into by any local authority or joint board or port sanitary authority, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever; and any expense incurred by any such authority member officer or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act. Protection of local authority and their officers from personal liability.

Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

[See 5 *Edw. 7, c. ccciii. s. 50.*]

Notices.

267. Notices orders and any other documents required or authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice order or other document was properly addressed and put into the post. Service of notices.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

[See 5 *Edw. 7, c. ccciii. s. 52.*]

PART IX.
LOCAL GOVERNMENT BOARD.

Inquiries by Board.

293—296. [*As to inquiries by the Local Government Board. See 54 & 55 Vict. c. 76, 1st Schedule, where these sections are set out.*]

Provisional Orders by Board.

As to Provisional Orders made by Local Government Board.

297. With respect to Provisional Orders authorised to be made by the Local Government Board under this Act, the following enactments shall be made :—

- (1.) The Local Government Board shall not make any Provisional Order under this Act unless public notice of the purport of the proposed Order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such Provisional Order relates :
- (2.) Before making any such Provisional Order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections :
- (3.) The Local Government Board may submit to Parliament for confirmation any Provisional Order made by it in pursuance of this Act, but any such Order shall be of no force whatever unless and until it is confirmed by Parliament :
- (4.) If while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against any Order comprised therein, the Bill, so far as it relates to such Order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills :
- (5.) Any Act confirming any Provisional Order made in pursuance of any of the Sanitary Acts or of this Act, and any Order in Council made in pursuance of any of the Sanitary Acts, may be repealed altered or amended by any Provisional Order made by the Local Government Board and confirmed by Parliament :
- (6.) The Local Government Board may revoke, either wholly or partially, any Provisional Order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the Order is pending in either House of Parliament :
- (7.) The making of a Provisional Order shall be *prima facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with :
- (8.) Every Act confirming any such Provisional Order shall be deemed to be a public general Act. [*See the Interpretation Act 1889, s. 9.*]

Costs of Provisional Orders.

298. The reasonable costs of any local authority in respect of Provisional Orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such Provisional Orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board, the local authority may contract a loan for the purpose of defraying such costs.

41 & 42 VICTORIA. A.D. 1878.

CHAPTER 77.

AN ACT TO AMEND THE LAW RELATING TO HIGHWAYS IN ENGLAND AND THE ACTS RELATING TO LOCOMOTIVES ON ROADS; AND FOR OTHER PURPOSES.

[16th August 1878.]

[*Preamble recites the Locomotives Acts 1861 and 1865.*]

Preliminary.

1. This Act may be cited as the Highways and Locomotives (Amendment) Act, 1878.

2. . . . Save as is by this Act expressly provided, Part I. of this Act shall not apply . . . to any part of the metropolis* . . .

of Act.

PART I.^a

AMENDMENT OF HIGHWAY LAW.

10. Where complaint is made to the county authority that the highway authority of any highway area within their jurisdiction has made default in maintaining or repairing all or any of the highways within their jurisdiction, the county authority, if satisfied after due inquiry and report by their surveyor that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of the duty of the highway authority in the matter of such complaint.

If such duty is not performed by the time limited in the order, and the highway authority fail to show to the county authority sufficient cause why the order has not been complied with, the county authority may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with the reasonable remuneration of the person appointed for superintending such performance, shall be paid by the authority in default, and any order made for payment of such expenses and costs may be removed into the High Court of Justice, and be enforced in the same manner as if the same were an order of such court. [See also 51 & 52 Vict. c. 41, s. 11 (8).]

Any person appointed under this section to perform the duty of a defaulting highway authority shall, in the performance and for the purpose of such duty, be invested with all the powers of such authority other than the powers of making rates or levying contributions by precept, and the county authority may from time to time, by order, change any person so appointed.

Where an order has been made by a county authority for the repair of a highway on a highway authority alleged to be in default, if such authority, within ten days after service on them of the order of the county authority, give notice to the clerk of the peace† that they decline to comply with the requisitions of such order until their liability to repair the highway in respect to which they are alleged to have made default has

* Part I. of this Act does not now apply within London. It was made applicable to London with respect to main roads by 51 & 52 Vict. c. 41, s. 11 (1). There were then in London the following roads which had ceased between the 31st December 1870 and the passing of this Act to be turnpike roads, and were accordingly main roads—viz.: Archway Road, Commercial Road East, East Ferry Road, East India Dock Road, Edgware Road, Finchley Road, Green Lanes, Harrow Road, Horseferry Branch Road, Lea Bridge Road, West Ferry Road, and West India Dock Road. Main roads have ceased to exist in London by virtue of 62 & 63 Vict. c. 41, s. 6 (1). See *semble* that a highway in London might yet become a main road under an Order made under s. 16 of this Act, and Part I. is accordingly inserted in this way so far as it applies to main roads.

† *Semble*, as regards London, the Clerk of the London County Council. See 51 & 52 Vict. c. 41, ss. 11 (1) and 83 (6).

been determined by a jury, it shall be the duty of the county authority either to satisfy the defaulting authority by cancelling or modifying in such manner as the authority may desire the order of the county authority, or else to submit to a jury the question of the liability of the defaulting authority to repair the highway.

If the county authority decide to submit the question to a jury they shall direct a bill of indictment to be preferred to the next practicable assizes to be holden in and for their county, with a view to try the liability of the defaulting authority to repair the highway. Until the trial of the indictment is concluded the order of the county authority shall be suspended. On the conclusion of the trial, if the jury find the defendants guilty, the order of the county authority shall forthwith be deemed to come into force; but if the jury acquit the defendants the order of the county authority shall forthwith become void.

The costs of the indictment, and of the proceedings consequent thereon, shall be paid by such parties to the proceedings as the court before whom the case is tried may direct. Any costs directed to be paid by the county authority shall be deemed to be expenses properly incurred by such authority, and shall be paid accordingly out of the county rate; and any costs directed to be paid by the highway authority shall be deemed to be expenses properly incurred by such authority in maintenance of the roads within their jurisdiction, and shall be paid out of the funds applicable to the maintenance of such roads.

Main Roads.

Disturnpiked roads to become main roads.

13. For the purposes of this Act, and subject to its provisions, any road which has, within the period between the thirty-first day of December one thousand eight hundred and seventy and the date of the passing of this Act, ceased to be a turnpike road, and any road which, being at the time of the passing of this Act a turnpike road, may afterwards cease to be such, shall be deemed to be a main road. . . . [*Part omitted rep. 57 & 58 Vict. c. 56 (S.L.R.).*]

Description of highway areas.

14. The following areas shall be deemed to be highway areas for the purposes of this Act; (that is to say,)

(1.) Urban sanitary districts. [*See 51 & 52 Vict. c. 41, s. 41 (4).*]

Power to declare ordinary highway to be a main road.

15. Where it appears to any highway authority that any highway within their district ought to become a main road by reason of its being a medium of communication between great towns, or a thoroughfare to a railway station, or otherwise, such highway authority may apply to the county authority for an order declaring such road, as to such parts as aforesaid, to be a main road; and the county authority, if of opinion that there is probable cause for the application, shall cause the road to be inspected, and, if satisfied that it ought to be a main road, shall make an order accordingly.

A copy of the order so made shall be forthwith deposited at the office of the clerk of the peace* of the county, and shall be open to the inspection of persons interested at all reasonable hours; and the order so made shall not be of any validity unless and until it is confirmed by a further order of the county authority made within a period of not more than six months after the making of the first-mentioned order.

Power to reduce main road to status of ordinary highway.

16. . . . Where it appears to a county authority that any road within their county which has become a main road in pursuance of this Act ought to cease to be a main road and become an ordinary highway, such authority may apply to the Local Government Board for a Provisional Order

* Now, as regards London, the Clerk of the County Council. See 51 & 52 Vict. c. 41, ss. 11 (1) and 83 (6).

declaring that such road has ceased to be a main road and become an ordinary highway.

The Local Government Board, if of opinion that there is probable cause for an application under this section, shall cause the road to be inspected, and if satisfied that it . . . ought to cease to be a main road and become an ordinary highway shall make a . . . Order accordingly. . . .

All expenses incurred in or incidental to the making . . . of any Order under this section shall be defrayed by the county authority applying for such Order.

[Parts omitted (provision that where it appears to a county authority that a road which ceased, between 31st December 1870 and the passing of this Act, to be a turnpike road, should not become a main road, they shall before 1st February 1879 apply to the Local Government Board to so declare by Order, and as to confirmation of Orders made under this section) rep. and superseded by the Highways and Bridges Act 1891, s. 4, and 59 & 60 Vict. c. clxxxviii. s. 31.]

18. Every highway authority shall keep, in such form as may be directed by the county authority, a separate account of the expenses of the maintenance of the main roads within their jurisdiction, and shall forward copies thereof to the county authority at such time or times in every year as may be required by the county authority, and the accounts so kept shall, where the accounts of the highway authority are audited under this Act or under section two hundred and forty-seven of the Public Health Act, 1875,* be audited in the same manner as the other accounts of such authority, *and where the accounts of the highway authority are not so audited shall be subject to such audit as the county authority may direct.*

If any highway authority makes default in complying with the provisions of this section, *or with any directions given in pursuance thereof by the county authority*, the county authority may withhold all or any part of the contribution payable by them under this Act towards the expenses of the maintenance of main roads by such highway authority for the year in which such default occurs.

[Words in italics do not apply to London.]

Extraordinary Traffic.

23. Where by a certificate of their surveyor it appears to the authority which is liable or has undertaken to repair any highway, whether a main road or not, that, having regard to the average expense of repairing highways in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same, or extraordinary traffic thereon, such authority may recover in a summary manner from any person *by whose order* such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by such authority by reason of the damage arising from such weight or traffic as aforesaid.

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such weight or traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.

[The words "by or in consequence of whose order" substituted for "by whose order," by the Locomotives Act 1898, s. 12 (1) (c).]

* See 62 & 63 Vict. c. 14, s. 14 and note thereon.

Byelaws by County Authority.

Power of
county autho-
rity to make
byelaws.

26. A county authority may from time to time make, with respect to all or any main roads or other highways within any highway area in their county, and when made alter or repeal, byelaws for all or any of the purposes following; that is to say,

- (1.) For prohibiting or regulating the use of any waggon wain cart or carriage drawn by animal power and having wheels of which the fellies or tires are not of such width in proportion to the weight carried by, or to the size of, or to the number of wheels of such waggon wain cart or carriage, as may be specified in such byelaws; and
- (2.) For prohibiting or regulating the use of any waggon wain cart or other carriage drawn by animal power not having the nails on its wheels countersunk in such manner as may be specified in such byelaws, or having on its wheels bars or other projections forbidden by such byelaws; and
- (3.) For prohibiting or regulating the locking of the wheel of any waggon wain cart or carriage drawn by animal power when descending a hill, unless there is placed at the bottom of such wheel during the whole time of its being locked a skidpan slipper or shoe in such manner as to prevent the road from being destroyed or injured by the locking of such wheel; and
- (4.) For prohibiting or regulating the erection of gates across highways, and prohibiting gates opening outwards on highways; and
- (5.) [*As to bicycles. Rep. 51 & 52 Vict. c. 41, s. 85 (q.v.).*]

Fines to be recovered summarily may be imposed by any such byelaws on persons breaking any byelaw made under this section, provided that no fine exceeds for any one offence the sum of two pounds, and that the byelaws are so framed as to allow of the recovery of any sum less than the full amount of the fine.

* PART II.

AMENDMENT OF LOCOMOTIVE ACTS, 1861 AND 1865.

Weight of
locomotives
and con-
struction
of wheels.
24 & 25 Vict.
c. 70.
28 & 29 Vict.
c. 83.

28. . . . It shall not be lawful to use on any . . . highway a locomotive constructed otherwise than in accordance with the following provisions; (that is to say),

- (1.) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and
- (2.) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than fourteen inches; and
- (3.) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided; and
- (4.) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches.

The owner of any locomotive used contrary to the foregoing provisions

* This part does not apply to light locomotives as defined in the Locomotives on Highways Act 1896. See *ibid.* s. 1.

shall for every such offence be liable to a fine not exceeding five pounds: Provided that the mayor, aldermen, and commons in the city of London, and the Metropolitan Board of Works* in the metropolis, exclusive of the city of London, and the council of any borough which has a separate court of quarter sessions, and the county authority of any county, may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any . . . highway within the areas respectively above mentioned, or part of any such . . . highway, under such conditions (if any) as to them may appear desirable. Provided also, that the owner of a locomotive used contrary to the provisions of subsection two of this section shall not be deemed guilty of an offence under this section if he proves to the satisfaction of the court having cognizance of the case that such locomotive was constructed before the passing of this Act, and that the tires of the wheels thereof are not less than nine inches in width.

[Words omitted ("turnpike road or," occurring twice, and "road or") rep. 61 & 62 Vict. c. 22 (S.L.R.).]

30. . . . Every locomotive used on any . . . highway shall be constructed on the principle of consuming its own smoke; and any person using any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, shall be liable to a fine not exceeding five pounds for every day during which such locomotive is used on any such . . . highway. [Parts omitted (repeal of s. 8 of the Locomotive Act 1861) rep. 57 & 58 Vict. c. 56 (S.L.R.), and the words "turnpike road or" occurring twice rep. 61 & 62 Vict. c. 22 (S.L.R.).]

Steam locomotives to be constructed so as to consume their smoke. 24 & 25 Vict. c. 70.

33. This part of this Act shall remain in force so long only as the Locomotive Act, 1865,† continues in force.

Duration of Part II. of Act. 28 & 29 Vict. c. 83.

PART III.

Procedure and Definitions.

34. It shall be lawful for the Local Government Board to submit any Provisional Order made by them under this Act to Parliament for confirmation, and without such confirmation a Provisional Order shall not be of any validity. [Words in italics, *semble* rep. 54 & 55 Vict. c. 63, s. 4.]

Confirmation of Provisional Order.

35. A byelaw made under this Act, and any alteration made therein, and any repeal of a byelaw shall not be of any validity until it has been submitted to and confirmed by the Local Government Board.

Confirmation of Byelaws.

A byelaw made under this Act shall not nor shall any alteration therein or addition thereto or repeal thereof be confirmed until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the authority making the same in one or more local newspapers circulating in their county or district.

36. All offences, fines, and expenses under this Act, or any byelaw made in pursuance of this Act, may be prosecuted, enforced, and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Recovery of penalties and expenses.

The expression "court of summary jurisdiction" means and includes any Justice or Justices of the Peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts: Provided that the court, when hearing and determining an information or complaint under this Act, shall be constituted either of two or more Justices of the Peace in petty sessions, sitting at a place appointed for holding

* Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (8).

† This Act is continued in force until the 31st December 1907 by the Expiring Laws Continuance Act 1906.

petty session, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one Justice of the Peace.

[See 52 & 53 Vict. c. 63, s. 13 (11). *Part omitted* (definition of "the Summary Jurisdiction Acts") *rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

Form of
appeal to
quarter
sessions.

37. If any party thinks himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act, the party so aggrieved may appeal therefrom . . . to the next practicable court of quarter sessions. . . . [Parts omitted (as to procedure on appeal) *rep.* by the Summary Jurisdiction Act 1884, s. 4.]

Interpreta-
tion.
25 & 26 Vict.
c. 61.
27 & 28 Vict.
c. 101.

38. In this Act—

"County" has the same meaning as it has in the Highway Acts, 1862 and 1864, except that every liberty not being assessable to the county rate of the county or counties within which it is locally situate shall, for the purposes of this Act other than those relating to the formation and alteration of highway districts, and the transfer of the powers of a highway board, be deemed to be a separate county:

"County authority" means the Justices of a county in general or quarter sessions assembled*:

"Highway authority" means as respects an urban sanitary district the urban sanitary authority, and as respects a highway district the highway board, and as respects a highway parish the surveyor or surveyors or other officers performing similar duties [see 51 & 52 Vict. c. 41, s. 41 (4)]:

38 & 39 Vict.
c. 55.

"Urban sanitary district" and "urban sanitary authority" mean respectively the districts and authorities declared to be urban sanitary districts and authorities by the Public Health Act, 1875, except that for the purposes of this Act no borough having a separate court of quarter sessions, and no part of any such district, and where part of a parish is included in such district for the purpose only of the repairs of the highways such part shall be deemed to be included in the district for the purposes of this Act [see 51 & 52 Vict. c. 41, s. 41 (4)]:

18 & 19 Vict.
c. 120.

"The metropolis" means the parishes and places mentioned in the Schedules A., B., and C., annexed to the Metropolis Management Act, 1855, and any parish to which such Act may be extended by Order in Council in manner in the said Act provided; also the city of London and the liberties of the said city:

"Quarter sessions" includes general sessions:

"Locomotive" means a locomotive propelled by steam or by other than animal power:

"Person" includes a body of persons corporate or unincorporate. [See also 52 & 53 Vict. c. 63, s. 2.]

42 VICTORIA. A.D. 1879.

CHAPTER 6.

AN ACT TO AMEND THE LAW WITH RESPECT TO DISTRICT AUDITORS.
[28th March 1879.]

[Preamble recites (inter alia) that the auditors of the accounts relating to the relief of the poor (in this Act referred to as district auditors) are under the Poor Law Amendment Act 1868 appointed by the Local Government

* Now the London County Council so far as relates to main roads in London. [See note on Part I.]

Board, and are by that Act declared to be civil servants of the State within the operation of the Superannuation Act 1859, but that the remuneration and expenses of such auditors which are by law payable out of local rates are in fact paid partly out of moneys annually provided by Parliament, and partly out of local rates; and that it is expedient that in future the whole of such remuneration and expenses should be paid out of moneys voted by Parliament. Rep. 57 & 58 Vict. c. 56 (S.L.R.).]

1. This Act may be cited as the District Auditors Act, 1879.

Short title.

2. . . . The whole of the salaries or remuneration and of the expenses of district auditors, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament; and for the purpose of contributing to the amount required for the payment of such salaries, remuneration, and expenses, there shall be charged on every local authority whose accounts are audited by a district auditor a stamp duty for the use of Her Majesty, according to the scale contained in the First Schedule to this Act, and such duty shall be levied by a stamp on the certificate of the auditor herein-after mentioned. [Part omitted (as to cessation after 25th March 1879 of payments to district auditors out of any local rate) rep. 57 & 58 Vict. c. 56 (S.L.R.).]

Provision as to contribution by Treasury and out of local rate for payment of district auditors.

3. Where the accounts of the receipts and expenditure of a local authority are audited by a district auditor, the local authority shall prepare and submit to the district auditor at every audit (other than an extraordinary audit held in pursuance of section six of the Poor Law Amendment Act, 1866,) a financial statement in duplicate in the prescribed form and containing the prescribed particulars; one of such duplicates shall have the stamp charged under this Act affixed thereon, and the auditor at the conclusion of the audit shall cancel that stamp, and certify on each duplicate, in the prescribed form, the amount in words at length of the expenditure so audited and allowed, and further, that the regulations with respect to such statement have been duly complied with, and that he has ascertained by the audit the correctness of the statement. [See 51 & 52 Vict. c. 41, s. 71 (1).]

Financial statement with stamped certificate of district auditor. 29 & 30 Vict. c. 113 s. 6.

He shall forthwith send the duplicate so stamped and certified by him to the Local Government Board; and in such case a return of the receipts or expenditure comprised in such statement need not, unless the Local Government Board so require, be sent to the Board in pursuance of the Local Taxation Returns Acts, 1860 and 1877.

23 & 24 Vict. c. 51.
49 & 41 Vict. c. 65.

4. The Local Government Board may from time to time appoint such number of district auditors as they may, with the sanction of the Treasury, think necessary for the performance of the duties of auditing the accounts which are for the time being by law subject to be audited by district auditors, and may from time to time remove such auditors.

Appointment and districts of district auditors.

The Board may from time to time assign to district auditors their duties, and the districts in which such auditors respectively are to act, and may from time to time change wholly or in part such duties or districts; and every district so assigned to a district auditor, whether originally or upon any change, shall be deemed to be an audit district within the meaning of any enactment relating to district auditors or their districts, and the auditor to whom any district is assigned shall be deemed to be the district auditor for that district.

The Board may also, with the consent of the Treasury, appoint from time to time a person or persons, either temporarily or otherwise, to assist a district auditor in the performance of his duties, and any person so appointed shall, subject to any exceptions made by the terms of his appointment, have the same powers and duties and be subject to the same obligations as the district auditor whom he is appointed to assist.

The Board, with the like consent, may assign to a person so appointed such salary or remuneration and such sum for his expenses as may seem fit, and such salary, remuneration, and expenses shall be paid out of moneys provided by Parliament.

Regulations
as to audit.

5. Where any accounts of the receipts and expenditure of a local authority are subject by law to be audited by a district auditor, the Local Government Board may from time to time by order make, and when made revoke and vary, such regulations as seem to the Board necessary or proper respecting the audit of such accounts, including the form of keeping the accounts of the local authority and their officers, the day or days to which the accounts are to be made up,* the time within which they are to be examined by the local authority, the mode in which, if it is so prescribed, they are to be certified by the local authority or any officer of that authority, the mode of publishing the time and place of holding the audit, the persons by whom such accounts are to be produced for audit, and the mode of conducting the audit, and an order under this section shall be deemed to be an order within the meaning of section ninety-eight of the Poor Law Amendment Act, 1834.

4 & 5 W. 4
c. 76.

Stamp duties
under Inland
Revenue.

6. The duties charged under this Act shall be deemed to be stamp duties under the management of the Commissioners of Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery, fraudulent dies, and other offences in connexion with stamp duties, shall apply accordingly; and such duties may, if the Commissioners so direct, be denoted by adhesive stamps, to be cancelled by the auditor as provided by this Act.

Failure to
submit finan-
cial state-
ment.

7. If a local authority fail to comply with the provisions of this Act with respect to a financial statement, such local authority, or if a clerk to the local authority is appointed, that clerk, and if no clerk is appointed, but there is a treasurer or other officer keeping the accounts which should be comprised in such financial statement, that treasurer or other officer shall be liable to a fine not exceeding twenty pounds for each offence, to be recovered by action on behalf of Her Majesty in the High Court of Justice.

Definitions.

8. In this Act,—

The expression “local rate” means the poor rate, the general district rate, and every rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of a poundage assessment of the value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

The expression “local authority” means any person or body of persons who receive and expend any local rate, but does not include overseers of the poor.

The expression “prescribed” means prescribed from time to time by the Local Government Board.

[Part omitted (definition of “Treasury”) *rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

9—10. [The Local Government Board, with the approval of the Treasury, to determine the remuneration for existing district auditors, and their allowance for expenses—Provisions as to audit for the year 1879. *Rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

11.

Auditors
appointed
under
repealed
Acts.

(2) Any auditor appointed in pursuance of any enactment hereby repealed shall (save as may be prescribed) have the same powers and duties and be subject to the same obligations as if such enactment had not been repealed.

[Part omitted (repeal of the Acts specified in 2nd Schedule) *rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

Saving of
certain
fees and
expenses.

12. Nothing in this Act shall prevent a district auditor from recovering . . . any expenses . . . which he may . . . incur, in any proceedings which he is authorised or required to take or defend under the statutes in that behalf. [Parts omitted (as to expenses in respect of an audit held prior to 25th March 1879, and the words “incurred or” and “hereafter”) *rep.* 57 & 58 Vict. c. 56 (S.L.R.).]

* See 51 & 52 Vict. c. 41, ss. 71 (1) and 73 (1), and 62 & 63 Vict. c. 14, s. 14.

FIRST SCHEDULE.

* *Scale of Stamp Duties payable by Local Authorities.*

Section 2.

Where the total of the expenditure comprised in the financial statement is	The sum shall be
Under 20 <i>l</i> .	5 <i>s</i> .
20 <i>l</i> . and under 50 <i>l</i> .	10 <i>s</i> .
50 <i>l</i> . and under 100 <i>l</i> .	1 <i>l</i> .
100 <i>l</i> . and under 500 <i>l</i> .	2 <i>l</i> .
500 <i>l</i> . and under 1,000 <i>l</i> .	3 <i>l</i> .
1,000 <i>l</i> . and under 2,500 <i>l</i> .	4 <i>l</i> .
2,500 <i>l</i> . and under 5,000 <i>l</i> .	5 <i>l</i> .
5,000 <i>l</i> . and under 10,000 <i>l</i> .	10 <i>l</i> .
10,000 <i>l</i> . and under 20,000 <i>l</i> .	15 <i>l</i> .
20,000 <i>l</i> . and under 50,000 <i>l</i> .	20 <i>l</i> .
50,000 <i>l</i> . and under 100,000 <i>l</i> .	30 <i>l</i> .
100,000 <i>l</i> . and upwards.	50 <i>l</i> .

For the purpose of this Schedule the expenditure comprised in the financial statement shall be exclusive of any sum paid to another local authority in pursuance of a precept.

SECOND SCHEDULE. [*Repeal (inter alia) of ss. 36 and 37 of 30 & 31 Vict. c. 6; s. 247 of the Public Health Act 1875 from "for the Union" in sub-s. (1) to "from the place of audit" at the end of sub-s. (2); and of s. 9 of the Highways and Locomotives (Amendment) Act 1878 from "for the audit district" to "is situate," and from "the auditor shall receive such remuneration" to "in a summary manner." Rep. 57 & 58 Vict. c. 56 (S.L.R.).*]

43 & 44 VICTORIA. A.D. 1880.

CHAPTER CLXXXI.

† AN ACT TO MAKE FURTHER PROVISION FOR REGULATING THE SUPPLY OF GAS BY THE GASLIGHT AND COKE COMPANY, THE COMMERCIAL GAS COMPANY, AND THE SOUTH METROPOLITAN GAS COMPANY, AND TO AMEND THE ACTS RELATING TO THE SAID COMPANIES.

[26th August 1880.]

[*Preamble.*]

1. This Act may be cited for all purposes as the Gaslight and Coke and Short title,
other Gas Companies Acts Amendment Act, 1880.

2. In this Act—

The expression "the city" means the city of London and the liberties thereof :

The expression "the Corporation" means the Mayor, Aldermen, and Commons of the City of London in Common Council assembled :

The expression "the Metropolitan Board" means the Metropolitan Board of Works ‡ :

The expression "the special Act," in relation to any of the companies to which this Act applies, means and includes any and every Act of Parliament relating exclusively to such company, and so much of any and every other Act of Parliament as affects such company :

The expression "the district," in relation to any of the companies to which this Act applies, means the area within the limits of this Act in which such company is for the time being authorised to supply gas :

The expression "testing place" shall mean a testing place prescribed and certified by the gas referees :

The expression "the controlling authority," in relation to any place in the city, means the Corporation, and in relation to any other place within the limits of this Act means the Metropolitan Board.

* See 51 & 52 Vict. c. 41, s. 71, and 2nd Schedule.

† See 5 Edw. 7, c. clv.

‡ Now the London County Council. See 51 & 52 Vict. c. 41, s. 40 (S).

Interpreta-
tion of
expressions.

Limits of Act. 18 & 19 Vict. c. 120. **3.** This Act shall not be in force in any place beyond the limits of the metropolis as such limits are defined by the Metropolis Management Act, 1855.

Application of Act. **4.** This Act shall extend and apply to the companies following; (that is to say,)

The Gaslight and Coke Company;
The Commercial Gas Company; and
The South Metropolitan Gas Company;

and throughout the districts of the said companies and for the purposes of its application throughout any one of such districts the expression "the company" shall be construed to mean such one of the said companies as is for the time being authorised to supply gas in such district, and the expression "the gas referees," "the chief gas examiner," and "gas examiner" shall respectively have the meanings assigned to the same expressions in the special Act of such company, and the special Act of such company, as amended by this Act, and this Act shall be construed together as one Act.

Power to gas referees to visit testing places. **5.** The gas referees shall from time to time, after giving notice to the controlling authority, visit the testing places and examine the apparatus for the purpose of ascertaining that it is kept in good and proper repair and working order.

Mode and times of testing pressure of gas. **6.** The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the pressure at which gas is supplied by the company, and a gas examiner shall in the mode so prescribed test the pressure at which gas is supplied at such hour and in such street or part of a street as the controlling authority may from time to time by an order in writing appoint, and within three days of the receipt of such order.

Daily testing for illuminating power and purity. **7.** A gas examiner shall at each testing place make daily such number of tests as the gas referees may prescribe for ascertaining whether during the whole of each day the illuminating power and purity of the gas supplied at such testing place by the company are such as are respectively prescribed under the special Act. Provided that the tests for illuminating power shall be taken at intervals of not less than one hour. [*See 5 Edw. 7, c. clv. ss. 5 and 10.*]

And in the event of the gas being ascertained to be defective in any such particular, such examiner shall forthwith give notice thereof to the company.

What shall be deemed illuminating power for each day. **8.** The average of all the testings at any testing place on each day of the illuminating power of the gas supplied by the company, at such testing place shall be deemed to represent the illuminating power of such gas on that day at such testing place. [*See also 5 Edw. 7, c. clv. s. 4 (3).*]

Average of testings of purity. **9.** The average of all the testings at any testing place on any day of the purity of the gas supplied by the company at such testing place shall be deemed to represent the purity of such gas on that day at such testing place.

Provided always, that if on any one day the gas supplied by the company at such testing place is of less purity than it ought to be under the special Act, the average of all the testings made at such testing place on that day and on the preceding and on the following day shall be deemed to represent the purity of such gas on such one day at such testing place.

Company may be represented at testings. **10.** The Company may, if they think fit, on each occasion of the testing at any testing place of the illuminating power, purity, and pressure of the gas supplied by them, be represented by some officer, but such officer shall not interfere in the testing, and the controlling authority shall state at what time it is proposed to make such testings on any

particular day upon receiving a request in writing from the company in the forenoon of the previous day.

11. Each gas examiner shall on each day make and deliver a report of the result of the testings of the gas supplied by the company conducted by him on the immediately preceding day to the controlling authority, to the gas referees, to the chief gas examiner, and to the company, and the books kept by a gas examiner for recording the results of the testing of such gas by him shall be open at all reasonable times to the inspection of the company without payment. [See 5 *Edw. 7, c. clv. s. 5 (2).*]

Daily reports and access to books.

12. [As to appeal to chief gas examiner. Rep. and replaced by 5 *Edw. 7, c. clv. s. 11.*]

13. Within one week after the end of each quarter of a year the chief gas examiner shall make a report to the controlling authority and to the company on the results of the daily testings made in that quarter, and shall state therein with respect to gas supplied by the company in that quarter—

Quarterly report of chief gas examiner.

(1.) The illuminating power on each day at each testing place;

(2.) The amount of impurity in each form on each day at each testing place.

(3.) The results of each testing of pressure.

14. If on any day the gas supplied by the company at any testing place is of less illuminating power than it ought to be under the special Act, the company shall be liable to the following forfeitures:

Forfeiture for defect of power.

For the first half of a candle of defective power, forty shillings; and

For the first and every subsequent candle of defective power, a sum not less than twenty-five pounds and not exceeding one hundred pounds, having regard to the relative quantities of gas manufactured by the respective companies.

Provided always, that the controlling authority of any testing place having recovered one forfeiture in respect of defective illuminating power in the gas supplied by the company at one testing place on any day shall not be entitled to any further forfeiture in respect of defective illuminating power in the gas supplied by the company at any other testing place of such controlling authority on the same day. [See 5 *Edw. 7, c. clv. ss. 4 (3) and 12.*]

15. If on any day the gas supplied by the company at any testing place is of less purity than it ought to be the company shall forfeit a sum not exceeding fifty pounds for each occasion on which they are so in default.

Forfeiture for excess of impurity.

Provided always, that the controlling authority of any testing place having recovered one forfeiture in respect of excess of impurity in the gas supplied by the company at one testing place on any day shall not be entitled to any further forfeiture in respect of excess of impurity in the gas supplied by the Company at any other testing place of such controlling authority on the same day; and provided also, that the average of the testings made at such testing place on that day and on the preceding and on the following day shall be deemed to represent the purity of such gas on such one day at such testing place. [See note on s. 14.]

16. If at any time during any period between midnight and sunset, or during any period between sunset and midnight, the gas supplied by the company is supplied at a pressure less than it ought to be under the special Act, the company shall in each case forfeit a sum not exceeding ten pounds.

Forfeiture for insufficiency of pressure.

Provided always, that the controlling authority having recovered one forfeiture in respect of insufficiency of pressure in the gas supplied by the company during any period of twenty-four hours shall not be entitled to any further forfeiture in respect of insufficiency of pressure in the gas supplied by the company during the same period. [See note on s. 14.]

Saving for
unavoidable
accident.

17. No forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of illuminating power, excess of impurity, or insufficiency of pressure was occasioned by an unavoidable cause or accident. [See note on s. 14.]

Forfeiture
and losses
from fraud.
etc.

18. [As to evidence of liability to forfeiture. Rep. and replaced by 5 Edw. 7, c. clv. s. 14.]

19. Every such forfeiture, and any loss arising from fraud of the servants of the company which the auditor (appointed as in the special Act provided) shall certify has arisen from want of due diligence on the part of the directors, shall be borne and paid to the satisfaction of such auditor exclusively by and out of the divisible profits of the company, and by way of reduction of dividend.

Recovery of
forfeitures.
etc.
23 & 24 Vict.
c. 125.

20. Every forfeiture imposed by this Act shall be recovered, applied, and appropriated in the manner provided by sections forty-six and fifty-three of the Metropolis Gas Act, 1860, and the said sections shall be read and construed as applying to forfeitures and the recovery thereof, and otherwise in relation thereto under this Act, as if such forfeitures were penalties under the Metropolis Gas Act, 1860. [See 5 Edw. 7, c. clv. ss. 12 and 16.]

Repeal of
Acts to the
extent
specified in
Schedule.

21. From and after the passing of this Act the Acts specified in the first column of the Schedule to this Act annexed shall within the limits of this Act be and the same are hereby repealed to the extent specified in the second column of that Schedule. Provided that this repeal shall not affect—

- (a.) The past operation of any enactment hereby repealed, nor anything done or suffered under any enactment hereby repealed;
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed;
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence or default committed against any enactment hereby repealed; nor
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

22. [The expenses of obtaining this Act to be paid by the Corporation and the Metropolitan Board in such proportion as the Board of Trade may direct. Spent.]

SCHEDULE.

SETTING FORTH THE ENACTMENTS REPEALED BY THE FOREGOING ACT.

Acts.	Extent of Repeal.
The Gaslight and Coke Company Act, 1876.	So much of sections 27 and 34 as relates to the pressure of gas; and Sections 40 to 56, both inclusive.
The Commercial Gas Act, 1875 .	In section 32 the following words "one such place being prescribed for every station from which gas is supplied in the district supplied from such station," and so much of the said section and of section 26 as relates to the pressure of the gas; and Sections 37 to 51, both inclusive.
The South Metropolitan Gaslight and Coke Company's Act, 1876.	So much of sections 28 and 35 as relates to the pressure of the gas; and Sections 41 to 56, both inclusive.

45 & 46 VICTORIA. A.D. 1882.

CHAPTER 50.

AN ACT FOR CONSOLIDATING, WITH AMENDMENTS, ENACTMENTS RELATING TO
MUNICIPAL CORPORATIONS IN ENGLAND AND WALES.

[18th August 1882.]

[Preamble rep. 61 & 62 Vict. c. 22 (S.L.R.).]

PART I.

PRELIMINARY.

1. This Act may be cited as the Municipal Corporations Act, 1882. Short title.
2. [Division of this Act into parts.]
3. [This Act not to extend to Scotland or Ireland.]
- 4—5. [As to commencement of this Act—Repeal of enactments described in the 1st Schedule. Rep. 61 & 62 Vict. c. 22 (S.L.R.).]
6. This Act shall apply to every city and town to which the Municipal Corporations Act, 1835, applies at the commencement of this Act, and to any town, district, or place whereof the inhabitants are incorporated after the commencement of this Act, and whereto the provisions of the Municipal Corporation Acts are under this Act extended by charter, but to no other place. Application.
- 7.—(1.) In this Act— Interpretation and construction.
 - “Municipal corporation” means the body corporate constituted by the incorporation of the inhabitants of a borough;
 - “Municipal Corporations Act, 1835,” means the recited Act of King William the Fourth, the date of the passing whereof is the ninth of September one thousand eight hundred and thirty-five;
 - “Municipal Corporations Acts” means this Act and any Act to be passed amending this Act;
 - “Burgess” includes citizen;
 - “Corporate seal” means the common seal of a municipal corporation;
 - “Corporate office” means the office of mayor, alderman, councillor, elective auditor . . . ;
 - “Corporate land” means land belonging to or held in trust for a municipal corporation;
 - “Municipal election” means an election to a corporate office;
 - “Parliamentary borough” means any borough, city, county of a city, county of a town, place, or combination of places, returning a member to serve in Parliament, and not being a county at large, or a riding, parts, or division of a county at large;
 - “Parliamentary election” means an election of a member to serve in Parliament;
 - “Parish” means any place for which a separate poor rate is or can be made [see 52 & 53 Vict. c. 63, s. 5];
 - “Overseers” means overseers of the poor of a parish, township, or place, and includes all persons who execute the duties of overseers;
 - “County” does not include a county of a city or county of a town, but includes a riding, parts, division, or liberty of a county [see 52 & 53 Vict. c. 63, s. 4];
 - “Trustees” means trustees, commissioners, or directors, or the persons charged with the execution of a trust or public duty, however designated;
 - “Person” includes a body of persons corporate or unincorporate;

"Justice" means one of Her Majesty's Justices of the Peace:

"Borough civil court" means an inferior court of record for the trial of civil actions which by charter, custom, or otherwise, is or ought to be holden in a borough, but does not include a county court:

"Schedule" means Schedule to this Act, and "part" means part of this Act:

"Writing" includes print, and "written" includes printed. [*See 52 & 53 Vict. c. 63, s. 20.*]

(2.) Words in this Act referring to a borough, municipal corporation, authority, officer, or office, shall be construed distributively as referring to each borough, corporation, authority, officer, or office to which or to whom the provision is applicable.

(3.) Words in this Act referring to a parish shall be construed, unless a contrary intention appears, as referring to every parish situate wholly or in part in a borough.

(4.) The Schedules shall be read and have effect as if they were part of this Act.

[*Parts omitted (definitions of "borough," "Treasury," "Secretary of State," "High Court," and "Bank of England," and the words "or revising assessor") rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

PART II.*

CONSTITUTION AND GOVERNMENT OF BOROUGH.

Name of
municipal
corporation.

8. The municipal corporation of a borough shall bear the name of the mayor, aldermen, and burgesses of the borough, or, in the case of a city, the mayor, aldermen, and citizens of the city. [*See 51 & 52 Vict. c. 41, s. 79 (1).*]

Burgesses.

Qualification
of burgess.

9.—(1.) A person shall not be deemed a burgess for any purpose of this Act unless he is enrolled as a burgess.

(2.) A person shall not be entitled to be enrolled as a burgess unless he is qualified as follows: [*See the County Electors Act 1888, ss. 2 and 3.*]

(a.) Is of full age; and

(b.) Is on the fifteenth of July in any year, and has been during the whole of the then last preceding twelve months,† in occupation, joint or several, of any house, warehouse, counting-house, shop, or other building (in this Act referred to as qualifying property) in the borough; and

(c.) Has during the whole of those twelve months‡ resided in the borough, or within seven miles thereof,‡ and

(d.) Has been rated§ in respect of the qualifying property to all poor rates made during those twelve months for the parish wherein the property is situate; and

(e.) Has on or before the twentieth of the same July paid all such rates, including borough rates (if any), as have become payable by him in respect of the qualifying property up to the then last preceding fifth of January.

(3.) Every person so qualified shall be entitled to be enrolled as a burgess, unless he—

(a.) Is an alien; or

* See 51 & 52 Vict. c. 41, s. 75.

† See the Municipal Voters Relief Act 1885, s. 2, and the Electoral Disabilities Removal Act 1891, s. 2.

‡ See s. 231, and 51 & 52 Vict. c. 41, s. 77.

§ See s. 32, and the Poor Rate Assessment Act 1869, ss. 7 and 19.

- (b.) Has within the twelve months aforesaid received union or parochial relief or other alms* ; or
- (c.) Is disentitled under any Act of Parliament.†

Council ; Mayor, Aldermen, and Councillors.

10. [As to constitution of Council. Superseded (as regards county councils) by 51 & 52 Vict. c. 41, s. 1.]

11.—(1.) The councillors shall be fit persons elected by the burgesses. Qualification of councillor.
[See ss. 12, 34 (3), and 39 (3).]

(2.) A person shall not be qualified to be elected or to be a councillor, unless he—

- (a.) Is enrolled and entitled to be enrolled as a burgess [see s. 9 (2)] ; or
- (b.) Being entitled to be so enrolled in all respects except that of residence, is resident beyond seven miles but within fifteen miles of the borough, and is entered in the separate non-resident list directed by this Act to be made [see 51 & 52 Vict. c. 41, s. 77] ; and
- (c.) In either of those cases, is seised or possessed of real or personal property or both, to the value or amount, in the case of a borough having four or more wards, of one thousand pounds, and in the case of any other borough, of five hundred pounds, or is rated to the poor rate in the borough, in the case of a borough having four or more wards, on the annual value of thirty pounds, and in the case of any other borough of fifteen pounds. [See 51 & 52 Vict. c. 41, s. 2 (2) (b).]

(3.) Provided, that every person shall be qualified to be elected and to be a councillor, who is, at the time of election, qualified to elect to the office of councillor ; which last-mentioned qualification for being elected shall be alternative for and shall not repeal or take away any other qualification.

(4.) But if a person qualified under the last foregoing proviso ceases for six months to reside in the borough, he shall cease to be qualified under that proviso, and his office shall become vacant, unless he was at the time of his election and continues to be qualified in some other manner.

12.—(1.) A person shall be disqualified for being elected and for being a councillor, § if and while he—

Disqualifications for being councillor.

- (a.) Is an elective auditor or a revising assessor,¶ or holds any office or place of profit, other than that of mayor or sheriff, in the gift or disposal of the council [see 51 & 52 Vict. c. 41, s. 40 (2), and 57 & 58 Vict. c. clxxxvii, s. 33] ; or
- (b.) Is in holy orders, or the regular minister of a dissenting congregation [see 51 & 52 Vict. c. 41, s. 2 (2), and 62 & 63 Vict. c. 14, s. 2 (4)] ; or
- (c.) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council :

(2.) But a person shall not be so disqualified, or be deemed to have

* See s. 33, and the Vaccination Act 1867, s. 26 ; the Medical Relief Disqualification Removal Act 1884, ss. 2 (1) and 4 ; the Elementary Education Act 1876, s. 10 ; and 51 & 55 Vict. c. 76, s. 80 (4).

† See the Forfeiture Act 1870, s. 2 ; the Corrupt and Illegal Practices Prevention Act 1883, ss. 6 (3), (4), (10), and 38 (5) ; the Municipal Elections (Corrupt and Illegal Practices) Act 1884, ss. 2 (2), 7, 17 (2), 23, and 28 (4) ; 51 & 52 Vict. c. 41, s. 75 ; 56 & 57 Vict. c. 63, s. 48 (3) ; and the Public Bodies Corrupt Practices Act 1889, s. 2 (d).

‡ See 51 & 52 Vict. c. 41, s. 2 (2).

§ See also ss. 39 and 124, 51 & 52 Vict. c. 41, s. 5 (7) ; the Bankruptcy Acts 1883, ss. 32 (1) (d) and 34, and 1890, s. 9 ; the Corrupt Practices Acts 1883, ss. 6, 10, and 1884, ss. 2, 7 ; the Felony Act 1870, s. 2 ; the Public Bodies (Corrupt Practices) Act 1889, s. 2 ; the Army Act 1881, s. 116 ; and the Army (Annual) Act 1891, s. 8.

¶ See 51 & 52 Vict. c. 41, s. 75 (16) (b), and 62 & 63 Vict. c. 14, s. 14.

¶ Words in italics not applicable to London.

any share or interest in such a contract or employment, by reason only of his having any share or interest in—

- (a.) Any lease, sale, or purchase of land, or any agreement for the same; or
- (b.) Any agreement for the loan of money, or any security for the payment of money only; or
- (c.) Any newspaper in which any advertisement relating to the affairs of the borough or council is inserted; or
- (d.) Any company which contracts with the council for lighting or supplying with water or insuring against fire any part of the borough; or
- (e.) Any railway company, or any company incorporated by Act of Parliament or Royal charter, or under the Companies Act, 1862.

25 & 26 Vict.
c. 89.

[See also the *Highways and Bridges Act*, 1891, s. 5,* and see the *Municipal Corporations Amendment Act* 1906, s. 2.†]

13.—(1.) The term of office of a councillor shall be three years.

Term of office
and rotation
of councillors.

[Part omitted (as to rotation of councillors) not applicable to London. See 51 & 52 Vict. c. 41, s. 2 (2) (d); 62 & 63 Vict. c. 14, s. 2 (5) and (8); and 56 & 57 Vict. c. 73, s. 20. See also 54 & 55 Vict. c. 68, s. 1 (1) and (2).]

Number, term
of office, and
rotation of
aldermen.

14.—(1.) The aldermen shall be fit persons elected by the council.

[See 51 & 52 Vict. c. 41, s. 2 (2) (c).]

(2.) The number of aldermen shall be one third of the number of councillors. [See 51 & 52 Vict. c. 41, s. 40 (5), and 62 & 63 Vict. c. 14, s. 2 (3).]

(3.) A person shall not be qualified to be elected or to be an alderman unless he is a councillor or qualified to be a councillor.

(4.) If a councillor is elected to, and accepts, the office of alderman he vacates his office of councillor.

(5.) The term of office of an alderman shall be six years.

(6.) On the ordinary day of election of aldermen in every third year one half of the whole number of aldermen shall go out of office, and their places shall be filled by election. [See 51 & 52 Vict. c. 41, s. 75, and 62 & 63 Vict. c. 14, s. 2 (4).]

(7.) The half to go out shall be those who have been aldermen for the longest time without re-election.

Qualification,
term of office,
salary, pre-
cedence, and
powers of
mayor.

15.—(1.) The mayor shall be a fit person elected by the council from among the aldermen or councillors or persons qualified to be such. [See 51 & 52 Vict. c. 41, s. 2 (5), and 62 & 63 Vict. c. 14, s. 2 (4).]

(2.) An outgoing alderman is eligible.

(3.) The term of office of the mayor shall be one year, but he shall continue in office until his successor has accepted office and made and subscribed the required declaration.

(4.) He may receive such remuneration as the council think reasonable.

(5.) [As to precedence of the mayor. Not applicable to London. See 51 & 52 Vict. c. 41, s. 75 (16) (b), and 62 & 63 Vict. c. 14, s. 2 (4).]

(6.) [Saving for mayors of boroughs named in the Schedules to the *Municipal Corporations Act* 1835. Not applicable to London.]

* S. 5 of the *Highways and Bridges Act* 1891 is as follows: “5. No person shall be disqualified for being elected, or for being a member of a county council, by reason only of his having any share or interest in any contract with such county council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges. Provided always that no such share or interest in any contract shall exceed the amount of fifty pounds in any one year.”

† S. 2 of the *Municipal Corporations Amendment Act* 1906 is as follows: “2. At the end of subsection (e) of section twelve of the *Municipal Corporations Act*, 1882, there shall, by virtue of this Act, be added the words ‘or any society registered under the *Industrial and Provident Societies Acts*, 1893 and 1895,’ and all other enactments having reference in any manner to the section aforesaid shall be read and have effect accordingly.”

16. [*Power of the mayor to appoint a deputy. Not applicable to London.* See 51 & 52 Vict. c. 41, s. 75 (16) (b), and 62 & 63 Vict. c. 14, s. 2 (4).]

Officers of Council.

17. [*As to town clerk. Not applicable to London.* See 51 & 52 Vict. c. 41, s. 75 (16) (e), and 62 & 63 Vict. c. 14, s. 31.]

18. (1.) The council shall from time to time appoint a fit person, not a member of the council, to be the treasurer of the borough. The treasurer.

(2.) The treasurer shall hold office during the pleasure of the council.

(3.) A vacancy in the office shall be filled within twenty-one days after its occurrence.

(4.) The offices of town clerk and treasurer shall not be held by the same person.

[See 51 & 52 Vict. c. 41, s. 75 (16) (e), and *L.C.C. Minutes of 19th March 1889*, p. 64.]

19. The council shall from time to time appoint such other officers as have been usually appointed in the borough, or as the council think necessary, and may at any time discontinue the appointment of any officer appearing to them not necessary to be re-appointed. Other borough officers. [See 18 & 19 Vict. c. 120, s. 62 and note thereon; 48 & 49 Vict. c. clxvii, s. 22; 51 & 52 Vict. c. 41, ss. 83 (11), 118, and 119; 53 & 54 Vict. c. cexliii, s. 17; 57 & 58 Vict. cc. cexii, s. 6, and cexiii, s. 136; 59 & 60 Vict. c. li, s. 2; and 4 Edw. 7, c. ccciii, s. 31.]

20. The council shall require every officer appointed by them to give such security as they think proper for the due execution of his office, and shall allow him such remuneration as they think reasonable. Security by and remuneration of officers. [See also 18 & 19 Vict. c. 120, s. 65, and 51 & 52 Vict. c. 41, s. 83 (11).]

21.—(1.) Every officer appointed by the council shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the council direct, deliver to the council, or as they direct, a true account in writing of all matters committed to his charge, and of his receipts and payments, with vouchers, and a list of persons from whom money is due for purposes of this Act in connection with his office, shewing the amount due from each. Accountability of officers.

(2.) Every such officer shall pay all money due from him to the treasurer, or as the council direct.

(3.) If any such officer—

(a.) Refuses or wilfully neglects to deliver any account or list which he ought to deliver, or any voucher relating thereto, or to make any payment which he ought to make; or

(b.) After three days notice in writing, signed by the town clerk or by three members of the council, given or left at his usual or last known place of abode, refuses or wilfully neglects to deliver to the council, or as they direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the council or as they direct;

a court of summary jurisdiction having jurisdiction where the officer is or resides may, by summary order, require him to make such delivery or payment, or to give such satisfaction.

(4.) But nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

[See also 18 & 19 Vict. c. 120, s. 65.]

Meetings and Proceedings of Council: Committees.

22.—(1.) [*Rules in the second Schedule to be observed. Superseded (as regards the London County Council) by 56 & 57 Vict. c. cexxi, s. 10, and Sch.]* Quarterly and other meetings of council;

appoint-
ment of
committees,
minutes, etc.

(2.) The council may from time to time appoint out of their own body such and so many committees, either of a general or special nature, and consisting of such number of persons, as they think fit, for any purposes which, in the opinion of the council, would be better regulated and managed by means of such committees; but the acts of every such committee shall be submitted to the council for their approval. [See 18 & 19 Vict. c. 120, ss. 58 and 59; 51 & 52 Vict. c. 41, ss. 28, 75 (16) (f), 80 (3), 81, and 82; 62 & 63 Vict. c. 14, s. 8; and 2 Edw. 7, c. 42, s. 17, and the *Midwives Act*, 1902, s. 8.]

(3.) A member of the council shall not vote or take part in the discussion of any matter before the council, or a committee, in which he has, directly or indirectly, by himself or by his partner, any pecuniary interest.

(4.) No act or proceeding of the council, or of a committee, shall be questioned on account of any vacancy in their body.

(5.) A minute of proceedings at a meeting of the council, or of a committee, signed at the same or the next ensuing meeting, by the mayor, or by a member of the council, or of the committee, describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof. [See s. 235, and 56 & 57 Vict. c. cxxxi. s. 10, and *Sch. par. 10.*]

(6.) Until the contrary is proved, every meeting of the council, or of a committee, in respect of the proceedings whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minutes.

Byelaws.

Power of
council
to make
byelaws.

23.—(1.) The council may, from time to time, make such byelaws as to them seem meet for the good rule and government of the borough, and for prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the borough, and may thereby appoint such fines, not exceeding in any case five pounds, as they deem necessary for the prevention and suppression of offences against the same. [See 51 & 52 Vict. c. 41, s. 85 (1).]

(2.) Such a byelaw shall not be made unless at least two thirds of the whole number of the council are present. [See 56 & 57 Vict. c. cxxxi. s. 10, and *Sch. par. 8.*]

(3.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof has been fixed on the town hall.

(4.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof, sealed with the corporate seal, has been sent to the Secretary of State: and if within those forty days the Queen, with the advice of Her Privy Council, disallows the byelaw or part thereof, the byelaw or part disallowed shall not come into force; but it shall be lawful for the Queen, at any time within these forty days, to enlarge the time within which the byelaw shall not come into force, and in that case the byelaw shall not come into force until after the expiration of that enlarged time.

(5.) Any offence against such a byelaw may be prosecuted summarily.

38 & 39 Vict.
c. 55.

(6.) Nothing in this section shall interfere with the operation of section one hundred and eighty-seven of the Public Health Act, 1875; and that section shall have effect as if this section were therein referred to, instead of section ninety of the Municipal Corporations Act, 1835; but nothing in the Public Health Act, 1875, shall be construed as having restricted the meaning or scope of the Municipal Corporations Act, 1835, or as restricting the meaning or scope of this section, with respect to prevention or suppression of nuisances.

[See 51 & 52 Vict. c. 41, s. 16 (1); 38 & 39 Vict. c. 55, ss. 182—187; and 62 & 63 Vict. c. 14, s. 5 (2) and *2nd Sch. Part II.*]

24. The production of a written copy of a byelaw made by the council under this Act, or under any former or present or future general or local Act of Parliament, if authenticated by the corporate seal shall, until the contrary is proved, be sufficient evidence of the due making and existence of the byelaw, and, if it is so stated in the copy, of the byelaw having been approved and confirmed by the authority whose approval or confirmation is required to the making or before the enforcing of the byelaw. [*See 52 & 53 Vict. c. 63, s. 20.*]

Accounts and Audit.

25. [*Borough auditors. Not applicable to London. See 51 & 52 Vict. c. 41, s. 75 (16) (b), and 62 & 63 Vict. c. 11, s. 14.*]

26. The treasurer shall make up his accounts *half-yearly to such dates as the council, with the approval of the Local Government Board, from time to time appoint; and, subject to any such appointment, to the dates in use at the commencement of this Act.* [*Words in italics not applicable to county councils or metropolitan borough councils, whose accounts are made up yearly to 31st March. See 51 & 52 Vict. c. 41, s. 73 (1), and 62 & 63 Vict. c. 14, s. 14. See also s. 233, and 51 & 52 Vict. c. 41, s. 71 (2).*]

27.—(1.) The treasurer shall within one month from the date to which he is required to make up his accounts in each half year, submit them, with the necessary vouchers and papers, to the *borough auditors, and they shall audit them.* [*Words in italics superseded as regards county councils and the metropolitan borough councils. See 51 & 52 Vict. c. 11, s. 71 (3); and 62 & 63 Vict. c. 14, s. 14. See also s. 233.*]

(2.) After the audit of the accounts for the second half of each financial year the treasurer shall print a full abstract of his accounts for that year. [*See s. 233; 38 & 39 Vict. c. 55, ss. 247 and 250; 51 & 52 Vict. c. 41, s. 71 (3); and 62 & 63 Vict. c. 14, s. 14.*]

28.—(1.) The town clerk shall make a return to the Local Government Board of the receipts and expenditure of the municipal corporation for each financial year.

(2.) The return shall be made for the financial year ending on the twenty-fifth of March,* or on such other day as the Local Government Board, on the application of the council, from time to time prescribe.

(3.) The return shall be in such form and contain such particulars as the Local Government Board from time to time direct.

(4.) The return shall be sent to the Local Government Board within one month after the completion of the audit for the *second half of each financial year.* [*Words in italics not applicable to London. See note on s. 26.*]

(5.) If the town clerk fails to make any return required under this section, he shall for each offence be liable to a fine not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(6.) The Local Government Board shall in each year prepare an abstract of the returns made in pursuance of this section, under general heads, and it shall be laid before both Houses of Parliament.

[*See 51 & 52 Vict. c. 41, ss. 71 (2), 75 (5), and 62 & 63 Vict. c. 14, s. 14.*]

29. [*As to revising assessors. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

30. [*Division of a borough into wards or alteration of wards. Not applicable to London. See 51 & 52 Vict. c. 41, s. 75 (16) (b), and 62 & 63 Vict. c. 14, ss. 2 (2) and 26.*]

Supplemental and Exceptional Provisions.

31. In and for the purposes of this Act—

(a.) The terms house, warehouse, counting house, shop, or other occupation building include any part of a house, where that part is of part of separately occupied for the purposes of any trade, business, or profession; and any such part may, for the purpose of describing

* See 51 & 52 Vict. c. 41, s. 73, and 62 & 63 Vict. c. 14, s. 14.

the qualification, be described as office, chambers, studio, or by any like term applicable to the case.

- (b.) Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

[See 51 *Vict. c. 10, s. 2 (2).*]

Claim by occupier to be rated.

32.—(1.) If an occupier of any qualifying property, whether the landlord is or is not liable to be rated to the poor rate in respect thereof, claims to be rated to the poor rate in respect thereof, and pays or tenders to the overseers of the parish where the property is situate the full amount of the poor rate last made in respect of the property, the overseers shall put the occupier's name on the rate book in respect of that rate. [See 32 & 33 *Vict. c. 41, s. 19.*]

(2.) If they fail to do so, he shall nevertheless for the purposes of this Act be deemed rated to that rate.

Rules as to qualification of burgess on succession, etc.

33.—(1.) Where a person succeeds to qualifying property by descent, marriage, marriage settlement, devise, or promotion to a benefice or office, then, for the purpose of qualification, the occupancy of the property by a predecessor in title, and the rating of the predecessor in respect thereof, shall be equivalent to the occupancy and rating of the successor; and rating in the name of the predecessor shall, until a new rate is made after the date of succession, be equivalent to rating in the name of the successor; and the successor shall not be required to prove his own residence, occupancy, or rating before the succession.

(2.) The qualifying property need not be throughout the twelve months constituting the period of qualification the same property or in the same parish.

(3.) Where by law a borough rate is payable by instalments, payment by any person of any such instalment shall, as regards his qualification to be inrolled as a burgess, be deemed a payment of the borough rate in respect of the period to which the instalment applies.

(4.) A person shall not be disentitled to be enrolled as a burgess by reason only—

- (a.) That he has received medical or surgical assistance from the trustees of the municipal charities, or has been removed, by order of a Justice, to a hospital or place for reception of the sick, at the cost of any local authority; or

(b.) That his child has been admitted to and taught in any public or endowed school. [See the *Elementary Education Act 1876, s. 10.*]

[See 51 *Vict. c. 10, s. 2 (2).*]

Obligation to accept office or pay fine.

34.—(1.) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law,* either shall accept the office by making and subscribing the declaration required by this Act within five days† after notice of election, or shall, in lieu thereof, be liable to pay to the council a fine of such amount not exceeding, in case of an alderman, councillor, *elective auditor*, . . . fifty pounds, and in case of a mayor one hundred pounds, as the council by byelaw determine. [See ss. 7 (1), 35, and 36.]

(2.) If there is no byelaw determining fines, the fine, in case of an alderman, councillor, *elective auditor*, . . . shall be twenty-five pounds, and in case of a mayor fifty pounds.‡

* See ss. 253 and 257; Excise Management Act 1834, s. 11; the Births and Deaths Registration Act 1837, s. 18; Post Office (Management) Act 1837, s. 12; Medical Act 1858, s. 35; Aliens Act 1870, ss. 2 and 7; Customs Consolidation Act 1876, s. 9; Factory and Workshops Act 1878, s. 67; Dentists Act 1878, s. 30; Army Act 1881, s. 146; Reserve Forces Act 1882, s. 7; 51 & 52 *Vict. c. 41, s. 75 (16) (c)*; and the Inland Revenue Regulation Act 1890, s. 8. See also s. 12 and note thereon.

† See 51 & 52 *Vict. c. 41, s. 75 (11)*, and 54 & 55 *Vict. c. 68, s. 5*.

‡ By the Standing Orders (No. 99) of the London County Council, the fine has been fixed at £1 sterling as regards members elected to the Council.

(3.) The persons exempt under this section are—

- (a.) Any person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body; and
- (b.) Any person who, being above the age of sixty-five years, or having within five years before the day of his election either served the office or paid the fine for non-acceptance thereof, claims exemption within five days after notice of his election.

(4.) A fine payable under this section shall be recoverable summarily.

[Words omitted ("or revising assessor") obsolete. See 51 Vict. c. 10, s. 4

(1) (a). Words in italics not applicable to London.]

35. A person elected to a corporate office shall not, until he has made Declaration and subscribed before two members of the council, or the town clerk, on acceptance of a declaration as in the eighth Schedule, act in the office except in administering that declaration. *[Amended 54 & 55 Vict. c. 63, s. 5.]*

36.—(1.) A person elected to a corporate office may at any time, by writing signed by him and delivered to the town clerk, resign the office, on payment of the fine provided for non-acceptance thereof. *[See s. 34.]* Fine on resignation, etc.

(2.) In any such case the council shall forthwith declare the office to be vacant, and signify the same by notice in writing, signed by three members of the council and countersigned by the town clerk, and fixed on the town hall, and the office shall thereupon become vacant.

(3.) No person enabled by law to make an affirmation instead of taking an oath shall be liable to any fine for non-acceptance of office by reason of his refusal on conscientious grounds to take any oath or make any declaration required by this Act or to take on himself the duties of the office.

37. A person ceasing to hold a corporate office shall, unless disqualified to hold the office, be re-eligible. Re-eligibility of office holders.

38. The mayor and aldermen shall, during their respective offices, continue to be members of the council, notwithstanding anything in this Act as to councillors going out of office at the end of three years. Mayor and aldermen to continue members of council.

39.—(1.) If the mayor, or an alderman or councillor—

- (a.) Is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors, under the Bankruptcy Act, 1869,* by deed or otherwise *[See also the Bankruptcy Act 1883, ss. 32 (1) and 34];* or Avoidance of office by bankruptcy or absence, 32 & 33 Vict. c. 71.
- (b.) Is (except in case of illness) continuously absent from the borough, being mayor, for more than two months, or, being alderman or councillor, for more than six months: *[See 51 & 52 Vict. c. 41, s. 75 (14)]*

he shall thereupon immediately become disqualified and shall cease to hold the office.

(2.) In any such event the council shall forthwith declare the office to be vacant, and signify the same by notice signed by three members of the council, and countersigned by the town clerk, and fixed on the town hall, and the office shall thereupon become vacant.

(3.) Where a person becomes so disqualified by being declared bankrupt, or compounding, or making an arrangement or composition, as aforesaid, the disqualification, as regards subsequent elections, shall, in case of bankruptcy, cease on his obtaining his order of discharge, and shall, in case of a compounding or composition as aforesaid, cease on payment of his debts in full, and shall, in case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.

(4.) Where a person becomes so disqualified by absence, he shall be liable to the same fine as for non-acceptance of office, recoverable summarily, but the disqualification shall, as regards subsequent elections, cease on his return.

* Rep. and replaced by the Bankruptcy Act 1883.

Filling of casual vacancies.

40.*—(1.) On a casual vacancy in a corporate office, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy; and the person elected shall hold the office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office. [See 54 & 55 Vict. c. 68, s. 1 (4).]

(2.) [As to two or more casual vacancies to be filled at the same time. Not applicable to county councils or metropolitan borough councils. See 51 & 52 Vict. c. 41, s. 2 (d); 56 & 57 Vict. c. 73, s. 48 (4); and the Metropolitan Boroughs (Triennial Election of Councillors) Order in Council 1901.]

Penalty on unqualified person acting in office.

41.—(1.) If any person acts in a corporate office without having made the declaration by this Act required, or without being qualified at the time of making the declaration, or after ceasing to be qualified, or after becoming disqualified, he shall for each offence be liable to a fine not exceeding fifty pounds, recoverable by action.

(2.) A person being in fact enrolled in the burgess roll shall not be liable to a fine for acting in a corporate office on the ground only that he was not entitled to be enrolled therein.

Validity of acts done notwithstanding disqualification, etc.

42.—(1.) The acts and proceedings of a person in possession of a corporate office, and acting therein, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified. [See also ss. 11, 12, 39, and 102.]

(2.) An election of a person to a corporate office shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person before whom the election was had, if that person was then in actual possession of, or acting in, the office giving the right to preside at the election.

(3.) A burgess roll shall not be liable to be questioned by reason of a defect in the title, or want of title, of the mayor or any revising authority by whom it is revised, if he was then in actual possession and exercise of the office of mayor or revising authority.

[See 51 Vict. c. 10, ss. 4, 9, and 10.]

Duties of town clerk, deputy, and treasurer, during vacancy or incapacity.

43. If there is no town clerk, and no deputy town clerk, or there is no treasurer, or the town clerk, deputy town clerk, or treasurer (as the case may be) is incapable of acting, all acts by law authorized or required to be done by or with respect to the town clerk or the treasurer (as the case may be) may, subject to the provisions of any other Act, be done by or with respect to a person appointed in that behalf by the mayor. [See 51 & 52 Vict. c. 41, ss. 2 (5), (6), and 88.]

PART III.

PREPARATIONS FOR AND PROCEDURE AT ELECTIONS.

Parish Burgess Lists; Burgess Rolls; Ward Rolls.

44. [As to the preparation and revision of parish burgess lists. Not applicable to London. See 51 Vict. c. 10, s. 4.]

The burgess roll and ward roll.

†**45.**—(1.) When the parish burgess lists have been revised and signed, the revising authority shall deliver them to the town clerk, and a printed copy thereof, examined by him and signed by him, shall be the burgess roll of the borough.

(2.) The burgess roll shall be completed on or before the twentieth of October in each year, and shall come into operation on the first of November in that year, and shall continue in operation for the twelve months beginning on that day.

(3.) The names in the burgess roll shall be numbered by wards or by

* See also 56 & 57 Vict. c. 73, s. 48 (4), and the Metropolitan Borough Councillors Election Order 1903, Sch. 5.

† See 51 Vict. c. 10, s. 7 (2).

polling districts, unless in any case the council direct that the same be numbered consecutively without reference to wards or polling districts.

(4.) [*As to a borough having no wards. Not applicable to London.*]

(5.) Where the borough has wards, the burgess roll shall be made in separate rolls, called ward rolls, one for each ward, containing the names of the persons entitled to vote in that ward, and the ward rolls collectively shall constitute the burgess roll.

(6.) A burgess shall not be enrolled in more than one ward roll. [*See ss. 51 (2) and 59.*]

(7.) Where a duplicate of a burgess list is made under section thirty-one of the Parliamentary and Municipal Registration Act, 1878, it shall have the same effect as the original, and may be delivered instead thereof.

(8.) Every person enrolled in the burgess roll shall be deemed to be enrolled as a burgess, and every person not enrolled in the burgess roll shall be deemed to be not enrolled as a burgess.

(9.) No stamp duty shall be payable in respect of the enrolment of a burgess.

[*See 62 & 63 Vict. c. 14, s. 27 (2), and the London Registration Order in Council 1901.*]

46—47. [*Arrangement of lists and rolls, and correction of burgess roll. Superseded (as regards London) by 51 Vict. c. 10, ss. 5 and 6.*]

48.—(1.) The town clerk shall cause the parish burgess lists, the lists of claimants and respondents, and the burgess roll, to be printed, and shall deliver printed copies to any person on payment of a reasonable price for each copy. Printing and sale of burgess roll and other documents.

(2.) Subject to section thirty of the Parliamentary and Municipal Registration Act, 1878, the proceeds of sale shall go to the borough fund. [*See 51 Vict. c. 10, s. 7 (2).*]

49. [*As to separate list of persons qualified to be councillors but not to be burgesses. Not applicable to London. See 51 & 52 Vict. c. 41, s. 77.*]

Election of Councillors.

50. [*As to borough and ward elections. Not applicable to London.*]

51.—(1.) At an election of councillors a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote, if he is enrolled in the burgess roll, or, in the case of a ward election, the ward roll, and not otherwise. Title to vote.

(2.) No person shall subscribe a nomination paper in or for more than one ward, or vote in more than one ward.

(3.) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or relieve him from any penalty to which he may be liable for doing it.

[*See the 3rd Sch., Part II.*]

52. The ordinary day of election of councillors shall be the first of November. [*See 51 & 55 Vict. c. 68, s. 1, and 62 & 63 Vict. c. 14, s. 3.*] election.

53. [*Returning officer at election. Not applicable to London. See 51 & 52 Vict. c. 41, s. 75 (2), (3), and 56 & 57 Vict. c. 73, s. 48 (2) (vi.).*]

54. Nine days at least before the day for the election of a councillor, the town clerk shall prepare and sign a notice thereof, and publish it by fixing it on the town hall, and, in the case of a ward election, in some conspicuous place in the ward. [*See 51 & 52 Vict. c. 41, s. 75 (5).*]

55. The nomination of candidates for the office of councillor shall be conducted in accordance with the rules in Part II. of the Third Schedule. Nomination of candidates.

56.*—(1.) If the number of valid nominations exceeds that of the vacancies, the councillors shall be elected from among the persons nominated. Relation of nomination to election.

* See the Metropolitan Borough Councillors Election Order 1903, Sch. 5.

(2.) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3.) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring councillors for the borough or ward as were highest on the poll at their election, or, if the poll was equal, or there was no poll, as are selected for that purpose by the mayor, shall be deemed to be re-elected to make up the required number. [See 51 & 52 Vict. c. 41, s. 75 (4).]

(4.) If there is no valid nomination, the retiring councillors shall be deemed to be re-elected.

Publication of
uncontested
election.

57. If an election of councillors is not contested, the returning officer shall publish a list of the persons elected not later than eleven o'clock in the morning on the day of election.

Mode of con-
ducting poll
at contested
election.
35 & 36 Vict.
c. 33.

58.—(1.) If an election of councillors is contested, the poll shall, as far as circumstances admit, be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and, subject to the modifications expressed in Part III. of the Third Schedule, and to the other provisions of this Act, the provisions of the Ballot Act, 1872, relating to a poll at a parliamentary election (including the provisions relating to the duties of the returning officer after the close of the poll), shall apply to a poll at an election of councillors.

(2.) Every person entitled to vote may vote for any number of candidates not exceeding the number of vacancies.

(3.)—(4.) [*Hours of poll. Superseded by Elections (Hours of Poll) Act 1885; 51 & 52 Vict. c. 41, s. 75 (11); and 56 & 57 Vict. c. 73, s. 31.*]

(5.) Where an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer, whether entitled or not to vote in the first instance, may give such additional vote by word of mouth or in writing.

(6.) Nothing in the Ballot Act, 1872, as applied by this Act, shall be deemed to authorize the appointment of any agents of a candidate at a municipal election; but if, in the case of a municipal election, an agent of a candidate is appointed, and notice in writing of the appointment is given to the returning officer, one clear day before the polling day, then the provisions of the Ballot Act, 1872, with respect to agents of candidates, shall, as far as regards that agent, apply in the case of that election.

Questions
which may
be put to
voters.

59.—(1.) At an election of councillors, the presiding officer shall, if required by two burgesses, or by a candidate or his agent,* put to any person offering to vote, at the time of his presenting himself to vote, but not afterwards, the following questions, or either of them:

(a.) Are you the person enrolled in the burghess [or ward] roll now in force for this borough [or ward] as follows [*read the whole entry from the roll*]?

(b.) Have you already voted at the present election [*add, in case of an election for several wards, in this or any other ward*]?

(2.) The vote of a person required to answer either of these questions shall not be received until he has answered it.

(3.) If any person wilfully makes a false answer thereto he shall be guilty of a misdemeanour.

(4.) Save as by this Act authorized, no inquiry shall be permitted at an election as to the right of any person to vote.

Election of Aldermen.

Time and
mode of
election of
aldermen.

60.—(1.) The ordinary day of election of aldermen shall be the ninth of November, and the election shall be held at the quarterly meeting of the council. [*Words in italics not applicable to London. See 54 & 55 Vict. c. 68, s. 1 (3); 56 & 57 Vict. c. cxxi. s. 10; and 62 & 63 Vict. c. 14, s. 3 (3).*]

* See the Municipal Elections (Corrupt and Illegal Practices) Act 1884, s. 13 (1) (b), and the Metropolitan Borough Councillors Election Order 1903, rr. 16, 17, and 24 (5).

(2.) The election shall be held immediately after the election of the mayor, or, if there is a sheriff, the appointment of the sheriff.

(3.) An outgoing alderman, although mayor elect, shall not vote. [See 51 & 52 *Vict. c. 41, s. 2 (2) (c).*]

(4.) Every person entitled to vote may vote for any number of persons not exceeding the number of vacancies, by signing and personally delivering at the meeting to the chairman a voting paper containing the surnames and other names and places of abode and descriptions of the persons for whom he votes.

(5.) The chairman, as soon as all the voting papers have been delivered to him, shall openly produce and read them, or cause them to be read, and then deliver them to the town clerk to be kept for twelve months.

(6.) In case of equality of votes the chairman, although as an outgoing alderman or otherwise not entitled to vote in the first instance, shall have the casting vote.

(7.) The persons, not exceeding the number of vacancies, who have the greatest number of votes, shall be declared by the chairman to be, and thereupon shall be, elected.

Election of Mayor.

61.—(1.) The ordinary day of election of mayor shall be the ninth of November. [See 54 & 55 *Vict. c. 68, s. 1 (3), and 62 & 63 Vict. c. 14, s. 3.*]

(2.) The election of mayor shall be the first business transacted at the quarterly meeting of the council on the day of election. [See note on s. 60 (1).]

(3.) An outgoing alderman may vote, although the person for whom he votes is an alderman. [Not applicable to London. See 51 & 52 *Vict. c. 41, s. 75 (10), and 62 & 63 Vict. c. 14, s. 2 (4).*]

(4.) In case of equality of votes, the chairman, although not entitled to vote in the first instance, shall have the casting vote. [See 56 & 57 *Vict. c. cxxi, s. 10, and Sch. par. 9.*]

62. [Time and mode of election of auditors and assessors. Not applicable to county councils or to metropolitan borough councils. See 51 & 52 *Vict. c. 41, s. 75 (16) (b); 51 Vict. c. 10, s. 4 (1) (a); and 62 & 63 Vict. c. 14, s. 14.*]

Supplemental and Exceptional Provisions.

63. For all purposes connected with and having reference to the right to vote at municipal elections words in this Act importing the masculine gender include women. [See 52 & 53 *Vict. c. 63, s. 1 (1) (a).*]

64. The council may divide the borough or any ward into polling districts. . . . [Part omitted (as to parish burgess lists) superseded by 51 *Vict. c. 10, s. 4 (2).* See *ibid. s. 5, and 51 & 52 Vict. c. 41, s. 76.*]

65. Any notice required to be given in connexion with a municipal election may, . . . as to ward elections, comprise matter necessary for several wards. [Part omitted (as to elective auditors and revising assessors) not applicable to county councils or to metropolitan borough councils. See note on s. 62.]

66.—(1.) On a casual vacancy in a corporate office, the election shall be held within fourteen days after notice in writing of the vacancy has been given to the mayor or town clerk by two burgesses.

(2.) Where the office vacant is that of mayor, the notice of the meeting for the election shall be signed by the town clerk.

(3.) In other cases the day of election shall be fixed by the mayor. [See 51 & 52 *Vict. c. 41, s. 75 (2), (3), (4), and (5); 56 & 57 Vict. c. 73, s. 48 (4); 62 & 63 Vict. c. 14, s. 2 (5).*]

67. [As regards illness, &c., of mayor and returning officer. Not applicable to London. See 51 & 52 *Vict. c. 41, s. 75 (2), (3), and 56 & 57 Vict. c. 73, s. 48 (2) (vi.); and the Metropolitan Borough Councillors Election Order 1903, r. 1.*]

Election of councillor in more than one ward.

68. If a person is elected councillor in more than one ward, he shall, within three days after notice thereof, choose, by writing signed by him and delivered to the town clerk,* or in his default the mayor* shall, within three days after the time for choice has expired, declare, for which of those wards he shall serve, and the choice or declaration shall be conclusive.

Elections not in churches.

69. A municipal election shall not be held in any church, chapel, or other place of public worship.

Omission to hold election, or election void.

70.—(1.) If a municipal election is not held on the appointed day or within the appointed time, it may be held on the day next after that day or the expiration of that time.

(2.) If a municipal election is not held on the appointed day or within the appointed time, or on the day next after that day or the expiration of that time, or becomes void, the municipal corporation shall not thereby be dissolved or be disabled from electing, but the High Court may, on motion, grant a mandamus for the election to be held on a day appointed by the court.

(3.) Thereupon public notice of the election shall, by such person as the court directs, be fixed on the town hall, and shall be kept so fixed for at least six days before the day appointed for the election; and in all other respects the election shall be conducted as directed by this Act respecting ordinary elections. [See s. 234.]

Burgess roll to be in operation until revision of new burgess roll.

71.—(1.) If a parish burgess list is not made or revised in due time, the corresponding part of the burgess roll in operation before the time appointed for the revision shall be the parish burgess list until a burgess list for the parish has been revised and become part of the burgess roll.

(2.) If a burgess roll is not made in due time, the burgess roll in force before the time appointed for the revision shall continue in force until the new burgess roll is made.

[See s. 45 (2); the *Parliamentary and Municipal Registration Act 1878*, s. 15; 51 *Vict. c. 10*, ss. 6 (1) and 7 (2); and 54 & 55 *Vict. c. 68*, s. 2.]

Non-compliance with rules.

72. An election shall not be invalidated by non-compliance with the rules in the Third Schedule, or mistake in the use of the forms in the Eighth Schedule, if it appears to the court having cognisance of the question that the election was conducted in accordance with the principles laid down in the body of this Act.

Election valid unless questioned within twelve months.

73. Every municipal election not called in question within twelve months after the election, either by election petition or by information in the nature of a quo warranto, shall be deemed to have been to all intents a good and valid election.

Offences in relation to nomination papers.

74.—(1.) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the town clerk any forged nomination paper, knowing it to be forged, he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding six months, with or without hard labour.

(2.) An attempt to commit any such offence shall be punishable as the offence is punishable.

[See 56 & 57 *Vict. c. 73*, s. 48 (3), and the *Metropolitan Borough Councillors Election Order 1903*, r. 23 (1) and 4th Sch.]

Offences in relation to lists and elections.

75.—(1.) If a mayor or revising assessor neglects or refuses to revise a parish burgess list, or a mayor † or alderman † neglects or refuses to conduct or declare an election, as required by this Act, he shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action. [See s. 226.]

(2.) If—

(a.) An overseer neglects or refuses to make, sign, or deliver a parish burgess list, as required by this Act; or

* See 51 & 52 *Vict. c. 41*, s. 75 (1) and (5).

† See 51 & 52 *Vict. c. 41*, s. 75 (4), and the *Metropolitan Borough Councillors Election Order 1903*, r. 1 (1).

(b.) A town clerk neglects or refuses to receive, print, and publish, a parish burgess list or list of claimants or respondents, as required by this Act; or

(c.) An overseer or town clerk refuses to allow any such list to be inspected by a person having a right thereto [see 62 & 63 Vict. c. 14, s. 11];

he shall for every such neglect or refusal be liable to a fine not exceeding fifty pounds, recoverable by action.

(3.) An action under this section shall not lie after three months from the neglect or refusal. A moiety of any fine recovered therein shall, after payment of the costs of action, be paid to the plaintiff.

[See note on s. 74, and 51 Vict. c. 10, s. 4 (1).]

76. [Repeal of former law on expiration of Ballot Act 1872. The Ballot Act 1872 is continued in force until 31st December 1907. See the Expiring Law Continuance Act 1906.]

PART IV.

CORRUPT PRACTICES AND ELECTION PETITIONS.

Corrupt Practices.

77. In this part—

“Bribery,” “treating,” “undue influence,” and “personation” include respectively anything done before, at, after, or with respect to a municipal election, which if done before, at, after, or with respect to a parliamentary election would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections: [See the *Municipal Elections (Corrupt and Illegal Practices) Act 1884*, 3rd Sch. Part I.; 51 & 52 Vict. c. 41, s. 75; and the *Metropolitan Borough Councillors Election Order 1903*, r. 24 (2).]

Definitions.

“Candidate” means a person elected, or having been nominated, or having declared himself a candidate for election, to a corporate office:

“Voter” means a burgess or a person who votes or claims to vote at a municipal election:

“Election court” means a court constituted under this part for the trial of an election petition:

“Municipal election petition” or “election petition” means a petition under this part complaining of an undue municipal election:

“Parliamentary election petition” means a petition under the Parliamentary Elections Act, 1868:

31 & 32 Vict.
c. 125.

“Prescribed” means prescribed by general rules made under this part:

“Borough” and “election” when used with reference to a petition mean the borough and election to which the petition relates.

[Parts omitted (definitions of “corrupt practice” and “canvasser”) rep. by the *Municipal Elections (Corrupt and Illegal Practices) Act 1884*, s. 38. See *ibid.* s. 1.]

78—80. [General penalties for corrupt practices—As to avoidance of elections for corrupt practices by candidates and agents. Rep. and replaced by the *Municipal Elections (Corrupt and Illegal Practices) Act 1884*.]

81. A municipal election shall be wholly avoided by such general Avoidance of election for corruption, bribery, treating, or intimidation at the election as would by the common law of Parliament avoid a parliamentary election.

82—84. [As to paid agents and canvassers and payment for conveyance of voters—Prosecutions for corrupt practices. Rep. and replaced by the *Municipal Elections (Corrupt and Illegal Practices) Act 1884*.]

general corruption.

Striking
off votes.

85. The votes of persons in respect of whom any corrupt practice is proved to have been committed at a municipal election shall be struck off on a scrutiny.

Personation.

86. The enactments for the time being in force for the detection of personation and for the apprehension of persons charged with personation at a parliamentary election* shall apply in the case of a municipal election.

Election Petitions.

Power to
question
municipal
election by
petition.

87.—(1.) A municipal election may be questioned by an election petition on the ground—

- (a) That the election was as to the borough or ward wholly avoided by general bribery, treating, undue influence, or personation; or
- (b.) That the election was avoided by corrupt practices† or offences against this Part committed at the election; or
- (c.) That the person whose election is questioned was at the time of the election disqualified; or
- (d.) That he was not duly elected by a majority of lawful votes.

(2.) A municipal election shall not be questioned on any of those grounds except by an election petition.

Presentation
of petition.

88.—(1.) An election petition may be presented either by four or more persons who voted or had a right to vote at the election or by a person alleging himself to have been a candidate at the election.

(2.) Any person whose election is questioned by the petition, and any returning officer of whose conduct a petition complains, may be made a respondent to the petition.

(3.) The petition shall be in the prescribed form and shall be signed by the petitioner, and shall be presented in the prescribed manner to the High Court in the Queen's Bench Division, and the prescribed officer shall send a copy thereof to the town clerk,‡ who shall forthwith publish it in the borough.

(4.) It shall be presented within twenty-one days after the day on which the election was held, except that if it complains of the election on the ground of corrupt practices,§ and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account or with his privity, in pursuance or furtherance of such corrupt practices, it may be presented at any time within twenty-eight days after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried. [See s. 230.]

Security for
costs.

89.—(1.) At the time of presenting an election petition or within three days afterwards, the petitioner shall give security for all costs, charges, and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent.

(2.) The security shall be to such amount, not exceeding five hundred pounds, as the High Court, or a Judge thereof, on summons, directs, and shall be given in the prescribed manner, either by a deposit of money, or by recognisance entered into by not more than four sureties, or partly in one way and partly in the other. [See, as to metropolitan borough councils, the *Metropolitan Borough Councillors Election Order 1903*, r. 23 (2) (c).]

(3.) Within five days after the presentation of the petition the petitioner shall in the prescribed manner serve on the respondent a notice of the presentation of the petition, and of the nature of the proposed security, and a copy of the petition.

* See the Parliamentary Voters Registration Act 1843, ss. 85—89, and the Ballot Act 1872, s. 24.

† See the Municipal Elections (Corrupt and Illegal Practices) Act 1884, ss. 2, 8, and 25.

‡ As regards county council elections, the clerk of the county council. See 51 & 52 Vict. c. 41, s. 75 (5).

§ See the Municipal Elections (Corrupt and Illegal Practices) Act 1884, s. 2.

(4.) Within five days after service of the notice the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead, or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the same.

(5.) An objection to a recognisance shall be decided in the prescribed manner.

(6.) If the objection is allowed, the petitioner may, within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient.

(7.) If no security is given, as prescribed, or any objection is allowed and is not removed, as aforesaid, no further proceedings shall be had on the petition.

90. On the expiration of the time limited for making objections, or, Petition at after objection made, on the objection being disallowed or removed, issue, whichever last happens, the petition shall be at issue.

91.—(1.) The prescribed officer shall as soon as may be make a list, in Municipal this Act referred to as the municipal election list, of all election petitions election list, at issue, placing them in the order in which they were presented, and shall keep at his office a copy of this list, open to inspection in the prescribed manner.

(2.) The petitions shall, as far as conveniently may be, be tried in the order in which they stand in the list.

(3.) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time, but for the purposes of this part the petition shall be deemed to be a separate petition against each respondent.

(4.) Where more petitions than one are presented relating to the same election, or to elections held at the same time for different wards of the same borough, they shall be bracketed together in the list as one petition, but shall, unless the High Court otherwise directs, stand in the list in the place where the last of them would have stood if it had been the only petition relating to that election.

92.—(1.) An election petition shall be tried by an election court Constitution of election court, consisting of a barrister qualified and appointed as in this section provided, without a jury.

(2.) A barrister shall not be qualified to constitute an election court if he is of less than fifteen years standing, or is a member of the Commons House of Parliament, or holds any office or place of profit under the Crown, other than that of recorder.

(3.) A barrister shall not be qualified to constitute an election court for trial of an election petition relating to any borough for which he is recorder, or in which he resides, or which is included in a circuit of Her Majesty's Judges on which he practises as a barrister.

(4.) As soon as may be after a municipal election list is made out the prescribed officer shall send a copy thereof to each of the Judges for the time being on the rota for the trial of parliamentary election petitions. . . . [Part omitted (as to appointment of Commissioners under this part of this Act) *rep. by the Municipal Elections (Corrupt Practices) Act 1884, s. 38. See *ibid.* s. 36.*]

(5.) If a commissioner to whom the trial of a petition is assigned, dies, or declines or becomes incapable to act, the said Judges or two of them may assign the trial to be conducted or continued by any other of the commissioners appointed under this section.

(6.) The election court shall for the purposes of the trial have the same powers and privileges as a Judge on the trial of a parliamentary election petition, except that any fine or order of committal by the court may on motion by the person aggrieved be discharged or varied by the High Court,

or in vacation by a Judge thereof, on such terms, if any, as the High Court or Judge thinks fit.

Trial of
election
petition.

93.—(1.) An election petition shall be tried in open court, and notice of the time and place of trial shall be given in the prescribed manner not less than seven days before the day of trial.

(2.) The place of trial shall be within the borough, except that the High Court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place for the trial.

(3.) The election court may in its discretion adjourn the trial from time to time, and from any one place to any other place within the borough or place where it is held.

(4.) At the conclusion of the trial the election court shall determine whether the person whose election is complained of, or any and what other person, was duly elected, or whether the election was void, and shall forthwith certify in writing the determination to the High Court, and the determination so certified shall be final to all intents as to the matters at issue on the petition.

(5.) Where a charge is made in a petition of any corrupt practice or offence against this part having been committed at the election the court shall, in addition to the certificate, and at the same time, report in writing to the High Court as follows :

(a.) Whether any corrupt practice or offence against this part has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt practice or offence ;

(b.) The names of all persons (if any) proved at the trial to have been guilty of any corrupt practice or offence against this part ;

(c.) Whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election in the borough or in any ward thereof.

(6.) The election court may at the same time make a special report to the High Court as to any matters arising in the course of the trial, an account of which ought, in the judgment of the election court, to be submitted to the High Court.

(7.) If, on the application of any party to a petition made in the prescribed manner to the High Court, it appears to the High Court that the case raised by the petition can be conveniently stated as a special case, the High Court may direct the same to be stated accordingly, and any such special case shall be heard before the High Court, and the decision of the High Court shall be final.

(8.) If it appears to the election court on the trial of a petition that any question of law as to the admissibility of evidence, or otherwise, requires further consideration by the High Court, the election court may postpone the granting of a certificate until the question has been determined by the High Court, and for this purpose may reserve any such question, as questions may be reserved by a judge on a trial at nisi prius.

(9.) On the trial of a petition, unless the election court otherwise directs, any charge of a corrupt practice or offence against this part may be gone into, and evidence in relation thereto received before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice or offence.

(10.) On the trial of a petition complaining of an undue election and claiming the office for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

(11.) The trial of a petition shall be proceeded with notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition.

(12.) A copy of any certificate or report made to the High Court on the

trial of a petition, and, in the case of a decision by the High Court on a special case, a statement of the decision, shall be sent by the High Court to the Secretary of State.

(13.) A copy of any such certificate and a statement of any such decision shall also be certified by the High Court, under the hands of two or more judges thereof, to the town clerk* of the borough.

94.—(1.) Witnesses at the trial of an election petition shall be Witnesses. summoned and sworn in the same manner, as nearly as circumstances admit, as witnesses at a trial *à nisi prius*, and shall be liable to the same penalties for perjury.

(2.) On the trial the election court may, by order in writing, require any person who appears to the court to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court.

(3.) The court may examine any person so required to attend or being in court although he is not called and examined by any party to the petition.

(4.) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent or either of them.

(5)—(8.) [*As to certain matters of procedure. Rep. by the Municipal Elections (Corrupt Practices) Act 1884, s. 38.*]

(9.) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses on the trial of civil actions at the assizes, may be allowed to him by a certificate of the election court or of the prescribed officer, and if the witness was called and examined by the court, shall be deemed part of the expenses of providing a court, but otherwise shall be deemed costs of the petition.

95.—(1.) A petitioner shall not withdraw an election petition without Withdrawal the leave of the election court or High Court on special application, made of petition. in the prescribed manner, and at the prescribed time and place. [*See the Municipal Elections (Corrupt and Illegal Practices) Act 1884, s. 26.*]

(2.) The application shall not be made until the prescribed notice of the intention to make it has been given in the borough.

(3.) On the hearing of the application any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute him accordingly.

(4.) If the proposed withdrawal is in the opinion of the court induced by any corrupt bargain or consideration, the court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in the security, the original petitioner and his sureties shall be liable to pay the costs of the substituted petitioner. [*See note on sub-s. (1).*]

(5.) If the court does not so direct, then security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within the prescribed time after the order of substitution.

(6.) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(7.) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(8.) Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

96.—(1.) An election petition shall be abated by the death of a sole Abatement petitioner or of the survivor of several petitioners. of petition.

* See note † on s. 88.

(2.) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

(3.) On the abatement of the petition the prescribed notice thereof shall be given in the borough, and, within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court or High Court in the prescribed manner and at the prescribed time and place to be substituted as a petitioner; and the court may, if it thinks fit, substitute him accordingly.

(4.) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

Withdrawal
and substi-
tution of
respondents.

97.—(1.) If before the trial of an election petition a respondent other than a returning officer—

(a.) Dies, resigns, or otherwise ceases to hold the office to which the petition relates; or

(b.) Gives the prescribed notice that he does not intend to oppose the petition;

the prescribed notice thereof shall be given in the borough, and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election may apply to the election court or High Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed three.

(2.) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

Costs on
election
petitions.

98.—(1.) All costs, charges, and expenses of and incidental to the presentation of an election petition, and the proceedings consequent thereon, except such as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and proportions as the election court determines; and in particular any costs, charges, or expenses which in the opinion of the court have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether they are or not on the whole successful.

(2.) The costs may be taxed in the prescribed manner, but according to the same principles as costs between solicitor and client in an action in the High Court, and may be recovered as the costs of such an action, or as otherwise prescribed. [*See the Municipal Elections (Corrupt Practices) Act 1884, ss. 29, 32, and 38.*]

(3.) If a petitioner neglects or refuses for three months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges, and expenses, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court, every person who has under this Act entered into a recognisance relating to the petition shall be held to have made default in the recognisance, and the prescribed officer shall thereon certify the recognisance to be forfeited, and it shall be dealt with as a forfeited recognisance relating to a parliamentary election petition. [*See the Parliamentary Elections Act 1868, s. 42.*]

Reception of
and attend-
ance on the
election
court.

99.—(1.) The town clerk* shall provide proper accommodation for holding the election court; and any expenses incurred by him for the purposes of this section shall be paid out of the borough fund or borough rate.†

* As regards county councils, the clerk of the county council. See 51 & 52 Vict. c. 41, s. 75 (5).

† As regards county councils, the county fund. See 51 & 52 Vict. c. 41, s. 68. As regards the metropolitan borough councils, the general rate. See 56 & 57 Vict. c. 73, ss. 31 and 48 (3), and 62 & 63 Vict. c. 14, ss. 2 (5) and 10.

(2.) All chief and head constables, superintendents of police, head-boroughs, gaolers, constables, and bailiffs shall give their assistance to the election court in the execution of its duties, and if any gaoler or officer of a prison makes default in receiving or detaining a prisoner committed thereto in pursuance of this part, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

(3.) The election court may employ officers and clerks as prescribed.

(4.) A shorthand writer shall attend at the trial of an election petition, and shall be sworn by the election court faithfully and truly to take down the evidence given at the trial. He shall take down the evidence at length. A transcript of the notes of the evidence taken by him shall, if the election court so directs, accompany the certificate of the election court. His expenses, according to a prescribed scale, shall be treated as part of the expenses incurred in receiving the court.

100.—(1.) The judges for the time being on the rota for the trial of parliamentary election petitions, may from time to time make, revoke, and alter General Rules for the effectual execution of this part, and of the intention and object thereof, and the regulation of the practice, procedure, and costs of municipal election petitions, and the trial thereof, and the certifying and reporting thereon. [See the *Municipal Elections (Corrupt Practices) Act 1884, s. 30.*]

Rules of procedure and jurisdiction.

(2.) All such rules shall be laid before both Houses of Parliament within three weeks after they are made, if Parliament is then sitting, and if not, within three weeks after the beginning of the then next session of Parliament, and shall, while in force, have effect as if enacted in this Act.

(3.) Subject to the provisions of this Act, and of the rules made under it, the principles, practice, and rules for the time being observed in the case of parliamentary election petitions, and in particular the principles and rules with regard to agency and evidence, and to a scrutiny, and to the declaring any person elected in the room of any other person declared to have been not duly elected, shall be observed, as far as may be, in the case of a municipal election petition.

(4.) The High Court shall, subject to this Act, have the same powers, jurisdiction, and authority with respect to a municipal election petition and the proceedings thereon as if the petition were an ordinary action within its jurisdiction.

(5.) The duties to be performed by the prescribed officer under this part shall be performed by the prescribed officer of the High Court.

(6.) The general rules in force at the commencement of this Act with respect to matters within this part shall, until superseded by rules made under this section, and subject to any amendment thereof by rules so made, have effect, with the necessary modifications, as if made under this section.

101.—(1.) The remuneration and allowances to be paid to a commissioner for his services in respect of the trial of an election petition, and to any officers, clerks, or shorthand writers employed under this part, shall be fixed by a scale made and varied by the election judges on the rota for the trial of parliamentary election petitions, with the approval of the Treasury. The remuneration and allowances shall be paid in the first instance by the Treasury, and shall be repaid to the Treasury, on their certificate, out of the borough fund or borough rate.

Expenses of election court.

(2.) But the election court may in its discretion order that such remuneration and allowances, or the expenses incurred by a town clerk for receiving the election court, shall be repaid, wholly or in part, to the Treasury or the town clerk, as the case may be, in the cases, by the persons, and in the manner following (namely):

- (a.) When in the opinion of the election court a petition is frivolous and vexatious, by the petitioner;
- (b.) When in the opinion of the election court a respondent has been personally guilty of corrupt practices at the election, by that respondent.

(3.) An order so made for the repayment of any sum by a petitioner or respondent may be enforced as an order for payment of costs; but a deposit made or security given under this part shall not be applied for any such repayment until all costs and expenses payable by the petitioner or respondent to any party to the petition have been satisfied.
[See notes on s. 99 which apply.]

Acts done pending a petition not invalidated.

102. Where a candidate who has been elected to a corporate office is, by a certificate of an election court or a decision of the High Court, declared not to have been duly elected, acts done by him in execution of the office, before the time when the certificate or decision is certified to the town clerk, shall not be invalidated by reason of that declaration.
[See note * on s. 99 which applies.]

Provisions as to elections in the room of persons unseated on petition.

103. Where on an election petition the election of any person to a corporate office has been declared void, and no other person has been declared elected in his room, a new election shall be held to supply the vacancy in the same manner as on a casual vacancy; and for the purposes of the election any duties to be performed by a mayor, alderman, or other officer, shall, if he has been declared not elected, be performed by a deputy, or other person who might have acted for him if he had been incapacitated by illness. [See note on s. 75.]

Prohibition of disclosure of vote.

104. A person who has voted at a municipal election by ballot shall not in any proceeding to question the election be required to state for whom he has voted.

PART V.

CORPORATE PROPERTY AND LIABILITIES.

Misapplication of Corporate Property.

Prohibition of expenditure of corporate funds on parliamentary elections.

124.—(1.) It shall not be lawful for a municipal corporation, or the council of a borough, or a corporate officer, or a trustee, or other person acting for a municipal corporation, to pay or apply any money, stocks, funds, securities, or personal property, of or held in trust for the corporation, in payment of any expenses occasioned by a parliamentary election or incurred by any person offering himself as a candidate at or before a parliamentary election.

(2.) Any bond, covenant, recognisance, or judgment given by a corporation, council, officer, trustee, or person as aforesaid, for securing payment of such expenses, shall be void.

(3.) Any payment, application, bond, covenant, recognisance, or judgment made or given by a corporation, council, officer, trustee, or person as aforesaid, for inducing any person to labour in a parliamentary election at a future time, or to pay or incur expenses as aforesaid at a future time, shall be deemed to be forbidden and declared void by this section, although colourably made or given for any other cause or consideration.

(4.) Any mortgage or other disposition of corporate land for securing or satisfying any expenses or engagements incurred or to be incurred as aforesaid, and any estate or charge thereby created, shall be void.

(5.) Any resolution, byelaw, or other proceeding of a council, purporting to direct or authorize any payment or thing forbidden by this section, or made or adopted for evading the provisions thereof, shall be void.

(6.) If any member of a municipal corporation authorizes or directs any payment or application forbidden by this section, or assents to, or concurs or participates in, any affirmative vote or proceeding relating thereto, or signs or seals in his individual capacity, or affixes the corporate seal to, any instrument by this section declared void, he shall be guilty of a misdemeanour, and, on conviction thereof in the High Court, shall, in addition to such punishment as the court awards, be for ever disabled to take, hold, or exercise any office in the same corporation.

(7.) If any corporate officer, trustee, or other person as aforesaid, makes, or concurs in making, any payment or application of money or property as aforesaid, he shall be deemed to have done so in his own wrong, and he shall be individually liable to repay and make good the amount or value thereof to the corporation, notwithstanding any release or pretended indemnity given to him in the name or on behalf of the corporation.

(8.) Any two or more burgesses may bring and prosecute any action in the name of the corporation against any officer, trustee, or person making any illegal payment or application as aforesaid, as if they, their executors and administrators, were jointly and severally appointed the irrevocable attorneys of the corporation for that purpose; but the plaintiffs shall, on the application of the defendant, give reasonable security, as the court directs, for costs, as between solicitor and client.

(9.) Nothing in this section shall affect the provisions of the Ballot Act, 1872, or of any other Act for the time being in force regulating the payment by the returning officer or otherwise of expenses relating to parliamentary elections.

PART VII.

BOROUGH FUND: BOROUGH RATE: COUNTY RATE.

140.—(1.) The borough fund shall be applicable to and charged with the several payments specified in the Fifth Schedule.

Application of borough fund.

(2.) The payments specified in Part I. of that Schedule may be made without order of the council; those specified in Part II. may not be made without such order.

[See 56 & 57 *Vict. c. 73, s. 48 (4) and 62 & 63 Vict. c. 14, s. 2 (5).*]

PART XI.

GRANT OF CHARTERS.

211.—(1.) Every petition for a charter under this Act shall be referred to a Committee of the Lords of Her Majesty's Privy Council (in this part called the Committee of Council).

213.—(1.) Where a petition for a charter is referred to the Committee of Council, and it is proposed by the charter to extend the Municipal Corporation Acts to the municipal borough to be created by the charter, the Committee of Council may settle a scheme for the adjustment of the powers, rights, privileges, franchises, duties, property, and liabilities of any then existing local authority whose district comprises the whole or part of the area of that borough, either with or without any adjoining or other place, and also of any officer of that authority.

Scheme or continuance or abolition of and adjustment of rights of existing local authority and officers.

(2.) The scheme, so far as it appears to the Committee of Council to be necessary or proper for carrying into effect the said adjustment as regards any local authority existing at the time of the making of the scheme, may contain provisions for the continuance of that authority, or for the abolition total or partial of that authority, or for the creation of another authority or authorities, and the alteration of the district of the existing local authority, and the union or other relation of the existing local authority and the authority or authorities so created, and for the continuance, modification, transfer, vesting, and extension to the whole of the borough of all or any of the powers, rights, privileges, franchises, duties, property, and liabilities of the existing local authority, and may contain such provisions as appear to the Committee of Council to be necessary or proper for fully carrying into effect any such adjustment and provisions as aforesaid.

(3.) The scheme, when settled by the Committee of Council, shall be

published in the London Gazette, and shall not be of any effect unless confirmed as herein-after mentioned.

(4.) Where, within one month after the publication of the scheme in the London Gazette, a petition against it by any local authority affected thereby, or by not less than one twentieth of the owners and ratepayers of the borough (such twentieth to be one twentieth in number of the owners and ratepayers of the borough taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the borough and the owners and ratepayers in all cases to include women not under coverture) has been received by the Committee of Council, and is not withdrawn, the scheme shall require the confirmation of Parliament, and the Committee of Council may, if they think fit, submit it to Parliament for confirmation; but otherwise, at any time after the expiration of the said month, or after the withdrawal of any petition that has been presented, the Committee of Council may, if they think fit, submit the scheme for confirmation, either to Parliament or to Her Majesty in Council, and in the latter case it shall be lawful for Her Majesty to confirm the scheme by Order in Council.

(5.) A scheme, when confirmed by Parliament or by Order in Council, shall have full operation, with, in the former case, such modifications, if any, as are made therein by Parliament, as if the scheme were part of this Act.

(6.) A local authority for the purposes of this part means a sanitary authority, (not being the mayor, aldermen, and burgesses of a borough subject to the Municipal Corporations Acts,) also the corporation of a borough not subject to the Municipal Corporations Acts, a burial board, trustees, commissioners or other persons who, as a public body and not for their own profit, act under any Act for paving, lighting, supplying with water or gas, cleansing, watching, regulating or improving any town or place, or for providing or maintaining a cemetery or market in or for any town or place, and any commissioners, trustees, or other persons (not being Justices) maintaining any police force, and any other authority not in this section excepted, . . . and having powers of local government and of rating for public purposes. [*Words omitted ("and not being a school board") rep. by the School Boards Act 1885, s. 1 (1).]*

(7.) The district of a local authority for the purposes of this section means the area within which such authority can exercise any powers or rights.

[*See 62 & 63 Vict. c. 14, s. 16 (3).]*

Supplemental provisions as to scheme and charter.
24 & 25 Vict. c. 47.

214.—(1.) A scheme shall, before being settled by the Committee of Council, be referred for consideration to the Secretary of State and the Local Government Board. . . .

(2.) A scheme shall in every case provide for placing the new borough within the jurisdiction of the council as the sanitary authority.

(3.) The regulations contained in the Seventh Schedule with respect to the scheme shall be observed.

(4.) If the Committee of Council are satisfied that a local authority or other petitioners have properly promoted or properly opposed a scheme before them, and that for special reasons it is right that the reasonable costs incurred by the authority or other petitioners in such promotion or opposition should be paid as expenses properly incurred by the local authority in the execution of their duties, the Committee of Council may order those costs to be so paid, and they shall be paid accordingly.

[*See 62 & 63 Vict. c. 14, s. 16 (3).]*

Power to amend scheme.

218.—(1.) Where a scheme for a borough has been confirmed under this part, or any former enactment, and the municipal corporation of the borough or one twentieth of the owners and ratepayers of the borough (estimated as in this part mentioned), or a local authority affected by the scheme, petition the Queen for an amending scheme, the petition shall

be referred to a Committee of the Lords of Her Majesty's Privy Council (included in the term the Committee of Council in this part), and shall be proceeded on, and this part shall apply thereto, as nearly as may be, as if the same were a petition for a charter extending the Municipal Corporations Acts to a municipal borough to be incorporated.

(2.) The Committee of Council, if they think fit to submit the amending scheme for confirmation, shall submit the same to Parliament, or they may submit the same to Her Majesty in Council, if the original scheme was confirmed by Order in Council; and in the latter case it shall be lawful for Her Majesty to confirm the amending scheme by Order in Council.

(3.) An amending scheme, when confirmed by Parliament, or by Order in Council, as the case may require, shall have full operation, with, in the former case, such modifications, if any, as are made therein by Parliament, as if the amending scheme were part of this Act.

[See 62 & 63 Vict. c. 14, s. 16 (3).]

PART XII.

LEGAL PROCEEDINGS.

219.—(1.) In summary proceedings for offences and fines under this Act the information shall be laid within six months after the commission of the offence. Prosecution of offences and recovery of fines.

(2.) Any person aggrieved by a conviction of a court of summary jurisdiction under this Act may appeal therefrom to a court of quarter sessions. [See the *Summary Jurisdiction Act 1879*, s. 31.]

(3.) Any fine incurred under this Act and not recoverable summarily may be recovered by action in the High Court.

220. A conviction, order, warrant, or other matter made or done or purporting to be made or done by virtue of this Act shall not be quashed for want of form, and shall not, unless it is an order of the council for payment of money out of the borough fund, be removed by certiorari or otherwise into the High Court. [See 51 & 52 Vict. c. 41, s. 80 (2).] Exclusion of certiorari.

221—223. [As to the application of penalties in quarter sessions boroughs—As to the duties of the clerk of the peace as to fines and forfeitures. As to service of summons or execution of warrant. Not applicable to London.]

224.—(1.) An action to recover a fine from any person for acting in a corporate office without having made the requisite declaration, or without being qualified, or after ceasing to be qualified, or after becoming disqualified, may not be brought except by a burgess of the borough, and shall not lie unless the plaintiff has, within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose. [See ss. 41 and 219.] Procedure in penal actions against corporate officers.

(2.) The court or a judge shall, on the application of the defendant within fourteen days after he has been served with writ of summons in the action, require the plaintiff to give security for costs.

(3.) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs, to be taxed as between solicitor and client.

(4.) Where any such action is brought against a person on the ground of his not being qualified in respect of estate, it shall lie on him to prove that he was so qualified.

(5.) A moiety of the fine recovered shall, after payment of the costs of action, be paid to the plaintiff.

225.—(1.) An application for an information in the nature of a *quo quo warranto* against any person claiming to hold a corporate office shall not be made after the expiration of twelve months from the time when he became disqualified after election. ranto and mandamus.

(2.) In the case of such an application, or of an application for a mandamus to proceed to an election of a corporate officer, the applicant shall give notice in writing of the application to the person to be affected thereby (in this section called the respondent) at any time not less than ten days before the day in the notice specified for making the application.

(3.) The notice shall set forth the name and description of the applicant, and a statement of the grounds of the application.

(4.) The applicant shall deliver with the notice a copy of the affidavits whereby the application will be supported.

(5.) The respondent may show cause in the first instance against the application.

(6.) If sufficient cause is not shown, the court, on proof of due service of the notice, statement, and copy of affidavits used in support of the application, may, if it thinks fit, make the rule for the information or mandamus absolute.

(7.) The court may, if it thinks fit, direct that any issue of fact on an information be tried by jury in London or at Westminster.*

(8.) The court may, if it thinks fit, direct that any writ of mandamus issued shall be peremptory in the first instance.

Provisions
for protection
of persons
acting under
Act.

226.

[Part omitted (provision that an action, prosecution, or proceeding against any person for any act done in respect of this Act shall not lie unless taken within 6 months and provision as to tender of amends) rep. by 61 & 62 Vict. c. 22 (S.L.R.). See now 56 & 57 Vict. c. 61.]

(3.) Subject and without prejudice to any other powers, the council, where the defendant in any such action, prosecution, or other proceeding is their officer, agent, or servant, may, if they think fit, except so far as the court before which the action, prosecution, or other proceeding is heard and determined otherwise directs, pay out of the borough fund or borough rate all or any part of any sums payable by the defendant in or in consequence of the action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise. *[See also 51 & 52 Vict. c. 41, s. 66.]*

227. *[Power for borough constables to take bail. Not applicable to London.]*

PART XIII.

GENERAL.

228—229. *[As to boundaries of boroughs and transfer of parts of boroughs to counties, and as to adjustments of boundaries between boroughs and counties. Not applicable to London. See 51 & 52 Vict. c. 41, s. 75 (16) (b), and ibid. Part III.]*

Time.

Computation
of time.

230.—(1.) Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at the latest on the last day of the limited time as so computed, unless the last day is a Sunday, Christmas Day, Good Friday, or Monday or Tuesday in Easter week, or a day appointed for public fast, humiliation, or thanksgiving, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

* Now the King's Bench Division of the High Court. See the Judicature Act 1873.

(2.) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

(3.) Where by this Act any act or proceeding is directed or allowed to be done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

Distance.

231. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane, and may be determined by the map made under the survey commonly known as the Ordnance Survey. Measurement of distances.

Notices.

232. Any notice or other document required by this Act to be fixed on the town hall shall be fixed in some conspicuous place on or near the outer door of the town hall, or, if there is no town hall, in some conspicuous place in the borough or ward to which the notice or document relates. Notices on town hall.

Inspection and Copies.

233.—(1.) The minutes of proceedings of the council shall be open to the inspection of a burgess on payment of a fee of one shilling, and a burgess may make a copy thereof or take an extract therefrom. Inspection of documents.

(2.) A burgess may make a copy of or take an extract from an order of the council for the payment of money.

(3.) The treasurer's accounts shall be open to the inspection of the council, and a member of the council may make a copy thereof or take an extract therefrom. [*See 50 & 51 Vict. c. 41, s. 71 (3); 38 & 39 Vict. c. 55, s. 247; and 62 & 63 Vict. c. 14, s. 14.*]

(4.) The abstracts of the treasurer's accounts shall be open to the inspection of all the ratepayers of the borough, and copies thereof shall be delivered to a ratepayer on payment of a reasonable price for each copy.

(5.) [*As to the freemen's roll. Not applicable to London.*]

(6.) A document directed by this Act to be open to inspection shall be so open at any reasonable time during the ordinary hours of business, and without payment, unless it is otherwise expressed.

(7.) If a person having the custody of any document in this section mentioned,—

(a.) Obstructs any person authorized to inspect the same in making such inspection thereof as in this section mentioned; or

(b.) Refuses to give copies or extracts to any person entitled to obtain the same under this section;

he shall, on summary conviction, be liable to a fine not exceeding five pounds.

Fees.

234. The town clerk of every borough shall cause a true copy of the tables of fees for the time being authorized to be taken by the clerk of the peace (if any) for the borough, by the clerk to the Justices (if any) for the borough, and by the registrar and officers of the borough civil court (if any), to be posted conspicuously in the following places: [*see note * on s. 99, which applies*]: Tables of fees to be posted.

(a.) The room where the business of the town clerk's office is transacted;

(b.) The room, if any, where the Justices of the borough sit for transacting their business.

- (c.) The room, if any, where the court of quarter sessions of the borough is held; and
 (d.) The room, if any, where the borough civil court is held.

Seals and Signatures.

Forgery.

235. If any person forges the seal or signature affixed or subscribed to a byelaw made under this Act, or the signature subscribed to any minute of proceedings of the council, or tenders in evidence any such document with a false or counterfeit seal or signature, knowing it to be false or counterfeit, he shall be liable to imprisonment with hard labour for any term not exceeding two years.

236. [*As to notice of application to the Treasury for approval of loans and correspondence thereon. Not applicable to London. See 51 & 52 Vict. c. 41, s. 40 (9).*]

Deputy.

Acts of deputy not to be invalidated by defect in appointment.

237. No defect in the appointment of a deputy under this Act shall invalidate his acts.

238. [*As to notices to, and acts of overseers. Not applicable to London.*]

Declarations and Oaths.

Power to administer oaths, etc.

239.—(1.) Where by or under this Act a declaration or oath is required to be made or taken by the holder of a corporate office or other person before the council or any members thereof, or any other persons, they shall have authority to receive and administer the same without any commission or authority other than this Act. [*See, as regards metropolitan borough councils, the Metropolitan Borough Councillors Election Order 1903, r. 23, Sch. 5.*]

31 & 32 Vict. c. 72.

(2.) Nothing in this Act in any case shall require or authorise the taking or making of any oath or declaration that would not have been required or authorised under the Promissory Oaths Act, 1868, or otherwise by law, if this Act had not been passed, or interfere with the operation of the Promissory Oaths Act, 1868. [*See also the Oaths Act 1888.*]

Forms.

Forms in schedule.

240. The forms in the Eighth Schedule or forms to the like effect, varied as circumstances require, may be used, and shall be sufficient in law.

Misnomer or Inaccurate Description.

Mis-nomer or inaccurate description not to hinder.

241. No misnomer or inaccurate description of any person, body corporate, or place named in any schedule to the Municipal Corporations Act, 1835, or in any roll, list, notice, or voting paper required by this Act, shall hinder the full operation of this Act with respect to that person, body corporate, or place, provided the description of that person, body corporate, or place be such as to be commonly understood.

242. [*References in enactments described in the 9th Schedule to the Municipal Corporations Act 1835 to be deemed references to this Act.*]

243. [*As to short titles of the Acts specified in the 1st Schedule. Rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

244—246. [*Mayors of certain boroughs to be returning officers in parliamentary elections—As to electors in disfranchised boroughs. Not applicable to London.*]

Freedom of Trading.

247. Notwithstanding any custom or byelaw, every person in any borough may keep any shop for the sale of all lawful wares and merchandises by wholesale or retail, and use every lawful trade, occupation, mystery, and handicraft for hire, gain, sale, or otherwise within any borough. [*See s. 23.*]

248—250. [*Special provisions relating to the Cinque Ports and to the Vice-Chancellor of Cambridge—Saving for municipal corporations existing at the passing of this Act.*]

251. [*Saving for local Acts. Not applicable to London. See 51 & 52 Vict. c. 41, ss. 75 (16) (b) and 125.*]

252. [*Saving for the Prison Acts 1842, 1865, and 1877.*]

253. Nothing in this Act shall compel the acceptance of any office or duty whatever in any borough by any military, naval, or marine officer in Her Majesty's service on full pay or half pay, or by any officer or other person employed and residing in any of Her Majesty's dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments, Saving for military and naval officers, etc.

254. Nothing in this Act shall affect the watching, paving, or lighting, or the internal regulations for the government, of any of Her Majesty's dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments, or make the tenements therein or the inhabitants thereof liable to any rate for watching, paving, or lighting. Saving for dockyards, barracks, etc.

255. Nothing in this Act shall affect the authority of Justices vested in the Commissioners for executing the office of Lord High Admiral of the United Kingdom, or any authority to appoint coroners to act within the jurisdiction of the Admiralty. Saving as to Admiralty.

256. [*Saving for the Lord Warden of the Cinque Ports.*]

257. [*Saving for the Universities of Oxford, Cambridge and Durham.*]

258. Nothing in this Act shall prevent any jurisdiction or authority exercised in or over the precinct or close of any cathedral from being continued concurrently with the jurisdiction and authority of the Justices of the borough in which the precinct or close is situate. Saving for jurisdiction over cathedral precincts.

259. Nothing in this Act shall prejudicially affect Her Majesty's royal prerogative; and the enabling provisions of this Act shall be deemed to be in addition to, and not in derogation of, the powers exercisable by Her Majesty by virtue of her royal prerogative. Saving for royal prerogative.

260. [*Saving as to repealed enactments. Rep., with saving as to Scotland and Ireland, 61 & 62 Vict. c. 22 (S.L.R.).*]

SCHEDULES.

SECOND SCHEDULE. [*As to meetings and proceedings of council. Superseded (as regards the London County Council) by 56 & 57 Vict. c. cxxi. s. 10.*]

THE THIRD SCHEDULE.

ELECTIONS.

PART II.

Rules as to Nomination in Elections of Councillors.

1. Every candidate for the office of councillor must be nominated in writing.
2. The writing must be subscribed by two burgesses of the borough or, in the case of a ward election, of the ward, as proposer and seconder, and by eight other burgesses of the borough or ward, as assenting to the nomination.

3. Each candidate must be nominated by a separate nomination paper, but the same burgesses, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more.

4. Each person nominated must be enrolled in the burgess roll or entered in the separate non-resident list required by this Act to be made. [*See s. 45 and note thereon.*]

5. The nomination paper must state the surname and other names of the candidate, with his abode and description.

6. The town clerk* shall provide nomination papers, and shall supply any burgess with as many nomination papers as may be required, and shall, at the request of any burgess, fill up a nomination paper.

7. Every nomination paper subscribed as aforesaid must be delivered by the candidate, or his proposer or seconder, at the town clerk's office,* seven days at least before the day of election, and before five o'clock in the afternoon of the last day for delivery of nomination papers.

8. The town clerk* shall forthwith send notice of every such nomination to each candidate.

9. The mayor* shall attend at the town hall on the day next after the last day for delivery of nomination papers for a sufficient time, between the hours of two and four in the afternoon, and shall decide on the validity of every objection made in writing to a nomination paper.

10. Where a person subscribes more nomination papers than one, his subscription shall be inoperative in all but the one which is first delivered.

11. Each candidate may, by writing signed by him, or, if he is absent from the United Kingdom, then his proposer or seconder may, by writing signed by him, appoint a person (in this Schedule referred to as the candidate's representative) to attend the proceedings before the mayor* on behalf of the candidate, and this appointment must be delivered to the town clerk* before five o'clock in the afternoon of the last day for delivery of nomination papers.

12. Each candidate and his representative, but no other person, except for the purpose of assisting the mayor,* shall be entitled to attend the proceedings before the mayor.*

13. Each candidate and his representative may, during the time appointed for the attendance of the mayor* for the purposes of this Schedule, object to the nomination paper of any other candidate for the borough or ward.

14. The decision of the mayor* shall be given in writing, and shall, if disallowing an objection, be final, but, if allowing an objection, shall be subject to reversal on petition questioning the election or return.

15. The town clerk* shall at least four days before the day of election cause the surnames and other names of all persons validly nominated, with their respective abodes and descriptions, and the names of the persons subscribing their nomination papers as proposers and seconds, to be printed and fixed on the town hall, and in the case of a ward election, in some conspicuous place in the ward. [*See ss. 54, 230, and 232.*]

16. The nomination of a person absent from the United Kingdom shall be void, unless his written consent given within one month before the day of his nomination in the presence of two witnesses is produced at the time of his nomination. [*See 52 & 53 Vict. c. 63, s. 3.*]

17. Where the number of valid nominations exceeds that of the vacancies, any candidate may withdraw from his candidature by notice signed by him, and delivered at the town clerk's† office not later than two o'clock in the afternoon of the day next after the last day for delivery of nomination papers: Provided that such notices shall take effect in the order in which they are delivered, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing nominated below the number of vacancies.

18. In and for the purposes of the provisions of this Act relating to proceedings preliminary to election, the burgess roll or ward roll which will be in force on the day of election shall be deemed to be the burgess roll or ward roll, and a person whose name is inserted in one of the lists from which the burgess roll or ward roll will be made up, shall be deemed to be enrolled in that roll although that roll is not yet completed.

PART III.

Modifications of the Ballot Act in its Application to Municipal Elections.

1. The provisions of the Ballot Act, 1872, with respect to the voting of a returning officer, the use of a room for taking a poll, and the right to vote of

* See 51 & 52 Vict. c. 41, s. 75 (4) and (5).

† See 51 & 52 Vict. c. 41, s. 75 (7).

persons whose names are on the register of voters, and Rules 16 and 19 in the Schedule to that Act, shall not apply in the case of a municipal election.

2. The mayor* shall at least four days before the day of election give public notice of the situation, division, and allotment of polling places for taking the poll at the election, and of the description of the persons entitled to vote thereat, and at the several polling stations. [See ss. 51 and 230.]

3. The mayor* shall provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, and shall appoint officers for taking the poll and counting the votes. [See the *Ballot Act 1872*, ss. 8, 14, and 1st Sch.]

4. The mayor* shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation and furnish each presiding officer with such number of ballot papers, as in the judgment of the mayor may be necessary for effectually taking the poll at the election.

5. All expenses of the election shall be defrayed in manner by this Act provided. [See s. 140, and 51 & 52 Vict. c. 41, s. 75 (17).]

6. No return shall be made to the clerk of the Crown in Chancery.

THE FIFTH SCHEDULE.

PAYMENTS OUT OF THE BOROUGH FUND.

PART I.

Payments which may be made without Order.

PART II.

Payments which may not be made without Order.

1. The expenses incurred by . . . the town clerk . . . in relation to . . . the holding of municipal elections, or so much of those expenses as is not otherwise provided for under section thirty of the Parliamentary and Municipal Registration Act, 1878. 13 & 14 Vict.
c. 42, s. 3.
41 & 42 Vict.
c. 26.

2. The expenses incurred by the town clerk in providing accommodation for an election court held under this Act.
[Parts omitted not applicable to London.]

THE SEVENTH SCHEDULE.

PROCEDURE FOR SCHEME ON GRANT OF NEW CHARTER.

1. The Committee of Council may, if they think fit, require the draft of a proposed scheme to be submitted to them, either together with the petition for a charter, or at any subsequent period.

2. The draft of a proposed scheme shall be published by advertisement, or placards, or handbills, or otherwise, as the Committee of Council think best calculated for giving notice thereof to all persons interested.

3. Before settling the scheme the Committee of Council shall consider any objections which may be made thereto by any local authority or persons affected thereby.

4. The scheme, when settled, shall, besides being published in the London Gazette, be published by advertisement, or placards, or handbills, or otherwise, as the Committee of Council think best calculated for giving notice thereof to all persons interested. [See 62 & 63 Vict. c. 14, s. 16 (4).]

5. Where a scheme is submitted to Parliament for confirmation, the Committee of Council may introduce a Bill for the confirmation of the scheme, which Bill shall be a Public Bill.

6. Before such Bill is introduced into Parliament the Committee of Council may alter the scheme in such manner as they think proper.

7. If while the Bill confirming a scheme is pending in either House of Parliament a petition is presented against the scheme, the Bill, so far as it relates to such scheme, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Private Bill.

8. A scheme shall come into operation at the date of its confirmation or any later date mentioned in the scheme.

9. The confirmation of a scheme shall be conclusive evidence that all the requirements of this Act with respect to proceedings required to be taken previously to the making of the scheme have been complied with, and that the scheme has been duly made, and is within the powers of this Act.

* See 51 & 52 Vict. c. 41, s. 75 (1) and (5).

THE EIGHTH SCHEDULE.

FORMS.

Part I.—Declarations on accepting Office.

FORM A.

FORM OF DECLARATION ON ACCEPTANCE OF CORPORATE OFFICE.

I, *A.B.*, having been elected mayor [*or alderman, councillor, elective auditor, or revising assessor*] for the borough of _____, hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability [*and in the case of the person being qualified by estate say, And I hereby declare that I am seised or possessed of real or personal estate, or both [as the case may be], to the value or amount of one thousand pounds, or five hundred pounds [as the case may require], over and above what will satisfy my just debts.*]

47 & 48 VICTORIA. A.D. 1884.

CHAPTER 72.

* AN ACT FOR PREVENTING THE ERECTION OF BUILDINGS ON DISUSED BURIAL GROUNDS. [14th August 1884.]

[*Preamble recites 15 & 16 Vict. c. 85 and 16 & 17 Vict. c. 134, and that in pursuance thereof numerous Orders in Council have been made for the discontinuance of burials in certain burial grounds.*]

Short title.

Interpretation clause.

No buildings to be erected upon disused burial grounds, except for enlargement, etc.

Saving for buildings already sanctioned.

Saving of burial grounds sold by Act of Parliament.

1. This Act may be cited as the Disused Burial Grounds Act, 1884.

2. In this Act a “disused burial ground” shall mean a burial ground in respect of which an Order in Council has been made for the discontinuance of burials therein in pursuance of the provisions of the said recited Acts. [See 50 & 51 Vict. c. 32, s. 4.]

3. After the passing of this Act it shall not be lawful to erect any buildings upon any disused burial ground, except for the purpose of enlarging a church, chapel, meeting-house, or other places of worship. [See 60 & 61 Vict. c. cclii., s. 49, and 63 & 64 Vict. c. cclviii., s. 29.]

4. Nothing in this Act shall prevent the erection of any building on a disused burial ground for which a faculty has been obtained before the passing of this Act.

5. Nothing in this Act contained shall apply to any burial ground which has been sold or disposed of under the authority of any Act of Parliament.

48 & 49 VICTORIA. A.D. 1885.

CHAPTER 34.

AN ACT TO DECLARE AND EXPLAIN THE SIXTY-EIGHTH SECTION OF THE WATERWORKS CLAUSES ACT, 1847. [31st July 1885.]

[*Preamble.*]

Explanation of 10 & 11 Vict. c. 17. s. 68.

1. The words “the annual value of the tenement supplied with water” in the sixty-eighth section of the Waterworks Clauses Act, 1847, shall, within the unions and parishes to which the Valuation of Property (Metropolis) Act, 1869, extends, mean the rateable value as settled from time to time by the local authority as duly constituted: Provided that where the water rate is chargeable on the annual value of a part only of any hereditament entered in the valuation list, such annual value shall be a fairly apportioned part of the rateable value of the whole tenement, ascertained as aforesaid, the apportionment in case of dispute to be determined in manner provided by the said section.

* See 48 & 49 Vict. c. clxvii. s. 56, and 6 Edw. 7, c. 25, ss. 9—13.

2. The Waterworks Clauses Act, 1847, and this Act shall, for the Construction] purposes of this Act, be construed together as one Act, and the provisions of Act. of this Act shall to that extent be held to repeal and supersede such of the provisions of that Act as are inconsistent with this Act.

3. This Act may be cited for all purposes as the Water Rate Definition Short title. Act, 1885.

51 VICTORIA. A.D. 1888.

CHAPTER 10.

*AN ACT TO PROVIDE FOR THE QUALIFICATION AND REGISTRATION OF ELECTORS FOR THE PURPOSES OF LOCAL GOVERNMENT IN ENGLAND AND WALES.

[16th May 1888.]

[*Preamble.*]

1. This Act may be cited as the County Electors Act, 1888.

Short title

The Registration Act, 1885, and the Parliamentary Registration Acts and construction. within the meaning of that Act, are in this Act referred to as the Registration of Electors Acts, and together with this Act may be cited as the Registration of Electors Acts, 1843 to 1888. 48 & 49 Vict. c. 15.

This Act shall be construed as one with the Registration of Electors Acts.

2.—(1.) For the purpose of the election of county authorities in England, the burgess qualification, that is to say, the qualification enacted by section nine of the Municipal Corporations Act, 1882, shall extend to every part of a county not within the limits of a borough, and a person possessing in any part of a county outside the limits of a borough such burgess qualification, shall be entitled to be registered under this Act as a county elector in the parish in which the qualifying property is situate. Extension of burgess franchise to county electors outside municipal boroughs. 45 & 46 Vict. c. 50.

(2.) Sections nine, thirty-one, thirty-three, and sixty-three of the Municipal Corporations Act, 1882, and any enactments of that or any other Act affecting the same, shall extend to so much of every county as is not comprised within the limits of a municipal borough in like manner as if they were herein re-enacted, with the substitution of "county" for "borough" and of "county elector" for "burgess," and with the other necessary modifications.

3. Every person who is entitled to be registered as a voter in respect of a ten pounds occupation qualification within the meaning of the provisions of the Registration Act, 1885, which are set out in the Schedule to this Act, shall be entitled to be registered as a county elector, and to be enrolled as a burgess, in respect of such qualification, in like manner in all respects as if the sections of the Municipal Corporations Act, 1882, relating to a burgess qualification included the said ten pounds occupation qualification. Occupation of land of the value of 10*l.* to qualify.

4.—(1.) The Registration of Electors Acts shall, so far as circumstances admit, apply to . . . the registration of county electors within the meaning of this Act; and the lists of . . . county electors, and of occupation voters for parliamentary elections, shall, so far as practicable, be made out and revised together; and the Registration of Electors Acts shall accordingly— Registration of county electors.

(b.) apply to every parish not situate in a municipal borough, in like manner as if such parish were a municipal borough to which the Parliamentary and Municipal Registration Act, 1878, applies, and the said lists of county electors and of occupation voters for parliamentary elections in such parish shall be made out in divisions, as provided in the said Act: Provided that a person

* See 51 & 52 Vict. c. 41, s. 76 (7).

whose name appears in any list of county electors or burgesses in a county may object to the name of any other person on a list of county electors or burgesses for a parish in that county, and may oppose the claim of a person to have his name inscribed in any such list.

(2.) In the construction of the Registration of Electors Acts for the purpose of their application to a parish not situate in a municipal borough, there shall be made the variations following, and such other variations as may be necessary for carrying into effect the application, that is to say:—

- (c.) County elector shall be substituted for burgess;
- (d.) Section nine of the Parliamentary and Municipal Registration Act, 1878, shall not apply to any parish which is not wholly situate in an urban district;
- (e.) Where such parish is not within a parliamentary borough section twenty-one of the Parliamentary and Municipal Registration Act, 1878, shall not apply, and the lists and register of voters shall be made out alphabetically, but shall be framed in parts for polling districts and electoral divisions and for urban districts and for wards of urban and rural districts in such a manner that the parts may be conveniently compiled or put together to serve as lists for polling districts, and elections in urban districts and as electoral division or ward lists [*see* 51 & 52 Vict. c. 41, s. 76 (1)];
- (f.) Where such parish is within a parliamentary borough—
 - (i) the overseers shall send to the clerk of the peace* for the county two copies of the lists of voters at the same time at which they send copies to the town clerk†; and
 - (ii) the town clerk† shall cause to be printed such number of copies of the revised lists as the clerk of the peace* may require, and shall transmit the same to the clerk of the peace,* who shall deal with the same as with other lists of county electors in his county; but,
 - (iii) save as aforesaid, the clerk of the peace* shall not act in relation to the registration of county electors in the said parish, and the town clerk† of the parliamentary borough shall be the town clerk within the meaning of the Registration of Electors Acts and this Act in relation to such parish, and shall include in his precept to the overseers proper directions respecting the registration of the county electors within the meaning of this Act.
- (g.) The lists of occupation voters and county electors shall be revised by the revising barrister for the parliamentary borough or county in which such parish is situate, and the revising barrister for revising the county electors lists for the whole or any part of an electoral division of any county shall, if so required by the county council, hold a court in that electoral division or at some convenient place in a division adjoining thereto.
- (h.) The guardians of a union which is not wholly comprised in an urban district may, with the consent of the overseers of any parish or parishes within their union for which an assistant overseer has not been appointed, annually appoint a fit person to act as registration officer for such parish or parishes, and may remove any such person, and fill up any vacancy caused by death, resignation, or otherwise. Such registration officer shall perform all the duties of overseers of the parish or parishes for which he is appointed in respect of the registration of county electors and

* Now the clerk of the county council. See s. 14.

† In regard to the city of London, the secondaries of the said city. See the Parliamentary Voters Registration Act 1843, ss. 56 and 101.

parliamentary voters, and the provisions of the Registration of Electors Acts relating to overseers, including those providing for penalties, shall apply to him accordingly :

Provided that his remuneration shall be fixed and paid by the guardians of the union, and charged on the poor rates of the parish or parishes for which he is appointed, and (if he acts for more than one parish) in proportion to the number of persons on the registers made during the year of his appointment of county electors and parliamentary voters for each parish.

[Parts omitted (as to municipal boroughs and urban districts) not applicable to London.]

5. After the year one thousand eight hundred and eighty-eight, in every part of the metropolis, and in every part of a parliamentary borough, the whole or greater part of which is situate in the metropolis, the lists and registers of parliamentary voters, and of county electors, shall, unless the local authority* otherwise direct, be arranged in the same order in which the qualifying premises appear in the rate book for the parish in which those premises are situate, or as nearly thereto as will cause those lists and registers to record the qualifying premises in successive order in the street or other place in which they are situate.

Making out of lists and registers in metropolis.

For the purpose of this section "metropolis" means the city of London and the parishes and places mentioned in Schedules (A), (B), and (C) of the Metropolis Management Act, 1855.

18 & 19 Vict. c. 120.

6.—(1.) The lists of parliamentary voters, and of burgesses, and of county electors, shall be revised between the eighth day of September and the twelfth day of October both inclusive, and shall be revised as soon as possible after the seventh day of September, and the eighth day of September shall be substituted in the Acts relating to the registration of parliamentary voters for the fifteenth day of September; and the declarations under section ten of the County Voters Registration Act, 1865, and section twenty-four of the Parliamentary and Municipal Registration Act, 1878, shall be sent to the clerk of the peace† or town clerk‡ on or before the fifth day of September.

Revision of electoral lists.

28 & 29 Vict. c. 36.
41 & 42 Vict. c. 26.

(2.) In sections sixty-two and sixty-three of the Parliamentary Voters Registration Act, 1843 (relating to appeals from revising barristers in England), "the Michaelmas sittings of the High Court of Justice" shall be substituted for "the Michaelmas term," and forthwith after the fourth day of the Michaelmas sittings a court or courts shall sit for the purpose of hearing such appeals, and those appeals shall be heard and determined continuously and without delay, and any statement by the barrister for the purpose of any such appeal made in pursuance of section forty-two of the said Act may be made at any time within ten days after the conclusion of the revision, so that it be made not less than four days before the first day of the said Michaelmas sittings, and the statement need not be read in open court, but shall be submitted to the appellant, who, if he approves the same, shall sign the same as directed by the said section, and return the same to the barrister. [See the *Judicature Act* 1881, s. 14.]

6 & 7 Vict. c. 18.

7.—(1.) The clerk of the peace† of every county shall make up a register of all persons registered as . . . county electors in the county, both for the county and for each electoral division into which the county is divided for the purpose of election of the county authority.§ . . .

Roll of county electors.

(2.) The Registration of Electors Acts, and sections forty-five, forty-eight, and seventy-one of the Municipal Corporations Act, 1882, shall apply, for the purposes of this section, with the substitution of clerk of the

45 & 46 Vict. c. 50.

* The London County Council. See 51 & 52 Vict. c. 41, s. 3 (xii.).

† Now the clerk of the county council. See s. 11.

‡ See note † to s. 4.

§ *i.e.* the county council. See s. 11, and 51 & 52 Vict. c. 41, s. 3 (xii.).

peace * for town clerk, and of county register and division register for burgess roll and ward roll respectively, and of electoral division for ward, and of county fund for borough fund.

(4.) Provided that nothing in this section shall prevent a county elector from being registered in more than one division register.

48 & 49 Vict.
c. 15.

(5.) Where in pursuance of section four of the Registration Act, 1885, the revising barrister has power to erase the name of any person as a parliamentary voter from division one of the occupiers list, such barrister, in lieu of erasing the name, shall place an asterisk or other mark against the name, and, in printing such lists, the name shall be numbered consecutively with the other names, but an asterisk or other mark shall be printed against the name, and a person against whose name such asterisk or other mark is placed shall not be entitled to vote in respect of such entry at a parliamentary election, but shall have the same right of voting at an election of a county authority † as he would have if no such mark were placed against his name.

(6.) If under any Act of the present session of Parliament establishing a council for a county any portion of another county is added to that county for the purpose of such election, such portion of the county register as relates to the electors having qualifying property in the said part so added shall be deemed to be part of the county register of the county for which such council is elected, and the clerk of the peace and other officers shall take such steps as may be necessary for giving effect to these enactments.

[Parts omitted (as to burgesses and district councils) not applicable to London.]

Expenses.

8.—(1.) All expenses properly incurred and all sums received in carrying into effect the provisions of this Act and the Registration of Electors Acts with respect to county electors.—

(a) if incurred or received by overseers, shall be respectively paid and applied as expenses and receipts of overseers under the Registration of Electors Acts in the case of the lists of parliamentary voters; and

(b) if incurred or received by the clerk of the peace * or town clerk, ‡ shall be paid out of or into the county or borough fund; and such expenses shall include all proper and reasonable fees and charges made and charged by him for the trouble, care, and attention of such clerk in the performance of the services and duties imposed on him by the said provisions.

Remunera-
tion of
revising
barristers
and con-
tribution
by county
authorities.

9. Every barrister appointed to revise any list of voters under the Parliamentary Voters Registration Act, 1843, shall be paid the sum of two hundred and fifty guineas by way of remuneration to him, and in satisfaction of his travelling and other expenses, and every such barrister, after the termination of his last sitting, shall forward his appointment to the Commissioners of Her Majesty's Treasury, who shall make an order for the payment of the above sum to every such barrister.

49 & 50 Vict.
c. 42.

The maximum amount to be paid to an additional barrister in pursuance of the Revising Barristers Act, 1886, shall not exceed the amount authorised by this section to be paid to a revising barrister.

The sums so paid to a revising barrister or an assistant barrister shall be payable partly out of moneys provided by Parliament and partly by the county authorities, § as herein-after mentioned.

(1.) There shall be annually paid by the county authority of every county out of the county fund into Her Majesty's Exchequer such sum as the Treasury certify to be one-half of the cost

* Now the clerk of the county council. See s. 14.

† The county council. See s. 11, and 51 & 52 Vict. c. 41, s. 3 (xii.).

‡ See note † to s. 4.

§ *i.e.* the county councils. See s. 11, and 51 & 52 Vict. c. 41, s. 3 (xii.).

incurred for the payment of revising barristers at the then last revision of the lists of parliamentary electors, burgesses, and county electors in that county.

- (2.) The Treasury shall yearly ascertain the total cost of the revising barristers appointed for all the counties and boroughs on any circuit, and shall divide one-half of such cost among the counties comprised in such circuit in proportion to the number of burgesses and county electors in each county, and certify the amount which under such apportionment is due under this section from each county. The Treasury may vary such certificate if they think fit, but unless it is so varied the certificate shall be final. [*See 51 & 52 Vict. c. 41, s. 76 (4).*]

(3.)

[*Part omitted (as to boroughs) not applicable to London.*]

10.—(1.) Section four of the Revising Barristers Act, 1886, is hereby repealed, and that Act, as amended by this Act, shall be perpetual.

Perpetuation of
49 & 50 Vict.
c. 42.

(2.) [*As to the county of Surrey.*]

(3.) An application to appoint an additional barrister under the said Act may be made at any time after the first day of September.

Repeal of
6 & 7 Vict.
c. 18, s. 59.

(4.) Section fifty-nine of the Parliamentary Voters Registration Act, 1843, is hereby repealed.

11.—(1.) In the event of a county authority* being established under any Act of the present session, the provisions of this Act with respect to county authority, county, and county fund shall refer to the said county authority and to the county and county fund of such authority. . . . [*Part omitted (as to boroughs) not applicable to London (and provisions in case of a county authority not being established under any Act during the present session).*]

Application
of provisions
of Act
respecting
county fund.

12. [*Separate list to be made of persons residing within fifteen miles of county. Superseded (as to London) by 51 & 52 Vict. c. 41, s. 77.*]

13. All precepts, notices, and forms required for the purposes of the Registration of Electors Acts shall be altered in such manner as may be declared by Her Majesty in Council to be necessary for carrying into effect this Act, and clerks of the peace† and town clerks shall alter their precepts and forms accordingly. . . . [*Part omitted (as to precepts sent out before the passing of this Act) spent.*]

Precepts by
clerk of the
peace.

14. In this Act, unless the context otherwise requires.—

Definitions.

The expressions “urban district” and “rural district” respectively mean an urban or rural sanitary district. . . .

The expression “clerk of the peace” means, in the event of the establishment of a county authority, the person acting as clerk of that authority, and such person shall act as clerk of the peace throughout the whole county of such authority, both for the purposes of this Act and of the Registration of Electors Acts: subject nevertheless—

(a) to the provisions of the Registration Act, 1885, respecting the case of any parliamentary county extending into more county quarter sessional areas than one, and

(b) to the proviso that where at the passing of this Act any clerk of the peace acts as clerk of the peace under the Registration of Electors Acts he shall continue so to act, but shall act as deputy of the person acting as clerk of the peace by virtue of this Act.

[*Words omitted “also any urban or rural district under any Act of the present session of Parliament) not applicable to London.*]

15. [*Transitory provisions as to the year 1888. Spent.*]

* *i.e.* the county council. See 51 & 52 Vict. c. 41.

† Now the clerks of the county councils. See s. 14.

SCHEDULE.

Registration Act, 1885.

DEFINITION OF TEN POUNDS OCCUPATION QUALIFICATION.

Ten pounds
occupation
qualification.

A person entitled to be registered as a voter in respect of a ten pounds occupation qualification in a borough, municipal or parliamentary—

- (a.) must during the whole twelve months immediately preceding the fifteenth day of July have been an occupier as owner or tenant of some land or tenement in a parish [or township] of the clear yearly value of not less than ten pounds : and
- (b.) must have resided in or within seven miles * of the borough during six months immediately preceding the fifteenth day of July ; and
- (c.) Such person, or some one else must during the said twelve months have been rated to all poor rates made in respect of such land or tenement ; and
- (d.) All sums due in respect of the said land or tenement on account of any poor rate made and allowed during the twelve months immediately preceding the fifth day of January next before the registration, or on account of any assessed taxes due before the said fifth day of January, must have been paid on or before the twentieth day of July.

If two or more persons jointly are such occupiers as above mentioned, and the value of the land or tenement is such as to give ten pounds or more for each occupier, each of such occupiers is entitled to be registered as a voter.

If a person has occupied in the borough different lands or tenements of the requisite value in immediate succession during the said twelve months, he is entitled in respect of the occupation thereof to be registered as a voter in the parish [or township] in which the last occupied land or tenement is situate.

52 & 53 VICTORIA. A.D. 1889.

CHAPTER 63.

AN ACT FOR CONSOLIDATING ENACTMENTS RELATING TO THE CONSTRUCTION OF ACTS OF PARLIAMENT AND FOR FURTHER SHORTENING THE LANGUAGE USED IN ACTS OF PARLIAMENT. [30th August 1889.]

Re-enactment of existing Rules.

Rules as to
gender and
number.

1.—(1.) In this Act and in every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears,—

- (a.) words importing the masculine gender shall include females ; and
- (b.) words in the singular shall include the plural, and words in the plural shall include the singular.

(2.) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction, when the enactment is contained in an Act passed in or before the year one thousand eight hundred and fifty.

Application
of penal
Acts to
bodies
corporate.

2.—(1.) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression “person” shall, unless the contrary intention appears, include a body corporate.

(2.) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

Meanings of
certain words
in Acts since
1850.

3. In every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them ; namely,—

The expression “month” shall mean calendar month :

* 15 miles as regards the county of London. See 51 & 52 Vict. c. 41, s. 77.

The expression "land" shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure :

The expressions "oath" and "affidavit" shall, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and the expression "swear" shall, in the like case, include affirm and declare.

4. In every Act passed after the year one thousand eight hundred and fifty and before the commencement of this Act the expression "county" shall, unless the contrary intention appears, be construed as including a county of a city and a county of a town. Meaning of "county" in past Acts.

5. In every Act passed after the year one thousand eight hundred and sixty-six, whether before or after the commencement of this Act, the expression "parish" shall, unless the contrary intention appears, mean, as respects England and Wales, a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed. Meaning of "parish."

6. In this Act, and in every Act and Order of Council passed or made after the year one thousand eight hundred and forty-six, whether before or after the commencement of this Act, the expression "county court" shall, unless the contrary intention appears, mean as respects England and Wales a court under the County Courts Act, 1888. Meaning of "county court." 51 & 52 Vict. c. 43.

7. In every Act relating to Scotland, whether passed before or after the commencement of this Act, unless the contrary intention appears—
The expression "sheriff clerk" shall include steward clerk : Meaning of "sheriff clerk," etc. in Scotch Acts.
The expressions "shire," "sheriffdom," and "county" shall include any stewartry in Scotland.

8. Every section of an Act shall have effect as a substantive enactment without introductory words. Sections to be substantive enactments.

9. Every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act. Acts to be public Acts.

10. Any Act may be altered, amended, or repealed in the same session of Parliament. Amendment or repeal of Acts in same session.

11.—(1.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment. Effect of repeal in Acts passed since 1850.

(2.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

New General Rules of Construction.

12. In this Act, and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely :— Official definitions in past and future Acts.

(1.) The expression "the Lord Chancellor" shall, except when used with reference to Ireland only, mean the Lord High Chancellor of Great Britain for the time being, and when used with reference to Ireland only, shall mean the Lord Chancellor of Ireland for the time being.

(2.) The expression "the Treasury" shall mean the Lord High Treasurer for the time being or the Commissioners for the time being of Her Majesty's Treasury.

(3.) The expression "Secretary of State" shall mean one of Her Majesty's principal Secretaries of State for the time being.

(4.) The expression "the Admiralty" shall mean the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral of the United Kingdom.

(5.) The expression "the Privy Council" shall, except when used with reference to Ireland only, mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council, and when used with reference to Ireland only, shall mean the Privy Council of Ireland for the time being.

(6.) The expression "the Education Department"* shall mean the Lords of the Committee for the time being of the Privy Council appointed for Education.

(7.) The expression "The Scotch Education Department" shall mean the Lords of the Committee for the time being of the Privy Council appointed for Education in Scotland.

(8.) The expression "the Board of Trade" shall mean the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations.

(9.) The expression "Lord Lieutenant" when used with reference to Ireland, shall mean the Lord Lieutenant of Ireland or other Chief Governors or Governor of Ireland for the time being.

(10.) The expression "Chief Secretary," when used with reference to Ireland, shall mean the Chief Secretary to the Lord Lieutenant for the time being.

(11.) The expression "Postmaster General" shall mean Her Majesty's Postmaster General for the time being.

(12.) The expression "Commissioners of Woods" or "Commissioners of Woods and Forests" shall mean the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being.

(13.) The expression "Commissioners of Works" shall mean the Commissioners of Her Majesty's Works and Public Buildings for the time being.

(14.) The expression "Charity Commissioners" shall mean the Charity Commissioners for England and Wales for the time being.

(15.) The expression "Ecclesiastical Commissioners" shall mean the Ecclesiastical Commissioners for England for the time being.

(16.) The expression "Queen Anne's Bounty" shall mean the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy.

(17.) The expression "National Debt Commissioners" shall mean the Commissioners for the time being for the Reduction of the National Debt.

(18.) The expression "the Bank of England" shall mean, as circumstances require, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England.

(19.) The expression "the Bank of Ireland" shall mean, as circumstances require, the Governor and Company of the Bank of Ireland, or the bank of the Governor and Company of the Bank of Ireland.

(20.) The expression "consular officer" shall include consul-general, consul, vice-consul, consular agent, and any person for the time authorised to discharge the duties of consul-general, consul, or vice-consul.

Judicial
definitions
in past and
future Acts.

13. In this Act and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "Supreme Court," when used with reference to England or Ireland, shall mean the Supreme Court of Judicature in England or Ireland, as the case may be, or either branch thereof.

(2.) The expression "Court of Appeal," when used with reference to

* Now the Poard of Education. See the Board of Education Act 1899.

England or Ireland, shall mean Her Majesty's Court of Appeal in England or Ireland, as the case may be.

(3.) The expression "High Court," when used with reference to England or Ireland, shall mean Her Majesty's High Court of Justice in England or Ireland, as the case may be.

(4.) The expression "court of assize" shall, as respects England, Wales, and Ireland, mean a court of assize, a court of oyer and terminer, and a court of gaol delivery, or any of them, and shall, as respects England and Wales, include the Central Criminal Court.

(5.) The expression "assizes," as respects England, Wales, and Ireland, shall mean the courts of assize usually held in every year, and shall include the sessions of the Central Criminal Court, but shall not include any court of assize held by virtue of any special commission, or, as respects Ireland, any court held by virtue of the powers conferred by section sixty-three of the Supreme Court of Judicature Act (Ireland). 1877.

10 & 41 Vict.
c. 57.

(6.) The expression "the Summary Jurisdiction Act, 1848," shall mean the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intitled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders."

(7.) The expression "the Summary Jurisdiction (England) Acts" and the expression "the Summary Jurisdiction (English) Acts" shall respectively mean the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act, past or future, amending those Acts or either of them.

11 & 12 Vict.
c. 43.
42 & 43 Vict.
c. 49.

(8.) The expression "the Summary Jurisdiction (Scotland) Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act, past or future, amending those Acts or either of them.

27 & 28 Vict.
c. 53.
44 & 45 Vict.
c. 33.

(9.) The expression "the Summary Jurisdiction (Ireland) Acts" shall mean, as respects the Dublin Metropolitan Police District, the Acts regulating the powers and duties of Justices of the Peace or of the police of that district, and as respects any other part of Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act, past or future, amending the same.

14 & 15 Vict.
c. 93.

(10.) The expression "the Summary Jurisdiction Acts" when used in relation to England or Wales shall mean the Summary Jurisdiction (England) Acts, and when used in relation to Scotland the Summary Jurisdiction (Scotland) Acts, and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts.

(11.) The expression "court of summary jurisdiction" shall mean any Justice or Justices of the Peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England, Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts or any of them, or under any other Act, or by virtue of his commission, or under the common law.

(12.) The expression "petty sessional court" shall, as respects England or Wales, mean a court of summary jurisdiction consisting of two or more Justices when sitting in a petty sessional court-house, and shall include the Lord Mayor of the city of London, and any alderman of that city, and any metropolitan or borough police magistrate or other stipendiary magistrate when sitting in a court-house or place at which he is authorised by law to do alone any act authorised to be done by more than one Justice of the Peace.

(13.) The expression "petty sessional court-house" shall, as respects England or Wales, mean a court-house or other place at which Justices are accustomed to assemble for holding special or petty sessions, or which is for the time being appointed as a substitute for such a court-house or place, and where the Justices are accustomed to assemble for either special

or petty sessions at more than one court-house or place in a petty sessional division, shall mean any such court-house or place. The expression shall also include any court-house or place at which the Lord Mayor of the city of London or any alderman of that city, or any metropolitan or borough police magistrate or other stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one Justice of the Peace.

(14.) The expression "court of quarter sessions" shall mean the Justices of any county, riding, parts, division, or liberty of a county, or of any county of a city, or county of a town, in general or quarter sessions assembled, and shall include the court of the recorder of a municipal borough having a separate court of quarter sessions.

Meaning of
"rules of
court."

14. In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression "rules of court" when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court, and as regards Scotland shall include acts of adjournment and acts of sederunt.

The power of the said authority to make rules of court as above defined shall include a power to make rules of court for the purpose of any Act passed after the commencement of this Act, and directing or authorising anything to be done by rules of court.

Meaning of
"borough."

15. In this Act and in every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

45 & 46 Vict.
c. 50.

(1.) The expression "municipal borough" shall mean, as respects England and Wales, any place for the time being subject to the Municipal Corporations Act, 1882, and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city, and any reference to the powers, duties, liabilities or property of the council of a borough shall be construed as a reference to the powers, duties, liabilities, or property of the mayor, aldermen and burgesses of the borough acting by the council.

(2.) The expression "municipal borough" shall mean, as respects Ireland, any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intitled "An Act for the regulation of municipal corporations in Ireland."

(3.) The expression "parliamentary borough" shall mean any borough, burgh, place or combination of places returning a member or members to serve in Parliament, and not being either a county or division of a county, or a university, or a combination of universities.

(4.) The expression "borough" when used in relation to local government shall mean a municipal borough as above defined, and when used in relation to parliamentary elections or the registration of parliamentary electors shall mean a parliamentary borough as above defined.

Meaning of
"guardians"
and "union."

16. In this Act and in every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

4 & 5 Will. 4.
c. 76.

(1.) The expression "board of guardians" shall, as respects England and Wales, mean a board of guardians elected under the Poor Law Amendment Act, 1834, and the Acts amending the same, and shall include a board of guardians or other body of persons performing under any local Act the like functions to a board of guardians under the Poor Law Amendment Act, 1834.

(2.) The expression "poor law union" shall, as respects England and Wales, mean any parish or union of parishes for which there is a separate board of guardians.

(3.) The expression "board of guardians" shall, as respects Ireland, mean a board of guardians elected under the Act of the Session of the first and second years of the reign of Her present Majesty, chapter fifty-six, intitled "An Act for the more effectual relief of the destitute poor in Ireland," and the Acts amending the same, and shall include any body of persons appointed by the Local Government Board for Ireland to carry into execution the provisions of those Acts.

(4.) The expression "poor law union" shall, as respects Ireland, mean any townland or place or union, or townlands or places, for which there is a separate board of guardians.

17. In every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

Definitions relating to elections.

(1.) The expression "parliamentary election" shall mean the election of a member or members to serve in Parliament for a county or division of a county, or parliamentary borough or division of a parliamentary borough, or for a university or combination of universities.

(2.) The expression "parliamentary register of electors" shall mean a register of persons entitled to vote at any parliamentary election.

(3.) The expression "local government register of electors" shall mean as respects an administrative county in England or Wales other than a county borough, the county register, and as respects a county borough or other municipal borough, the burgess roll.

18. In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

Geographical and colonial definitions in future Acts.

(1.) The expression "British Islands" shall mean the United Kingdom, the Channel Islands, and the Isle of Man.

(2.) The expression "British possession" shall mean any part of Her Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession.

(3.) The expression "colony" shall mean any part of Her Majesty's dominions exclusive of the British Islands, and of British India, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony.

(4.) The expression "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India or through any governor or other officer subordinate to the Governor-General of India.

(5.) The expression "India" shall mean British India together with any territories of any native prince or chief under the suzerainty of Her Majesty exercised through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India.

(6.) The expression "Governor" shall, as respects Canada and India, mean the Governor-General, and include any person who for the time being has the powers of the Governor-General, and as respects any other British possession, shall include the officer for the time being administering the government of that possession.

(7.) The expression "colonial legislature" and the expression "legislature," when used with reference to a British possession, shall respectively mean the authority, other than the Imperial Parliament or Her Majesty the Queen in Council, competent to make laws for a British possession.

Meaning of
"person" in
future Acts.

19. In this Act and in every Act passed after the commencement of this Act the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or unincorporate.

Meaning of
"writing" in
past and
future Acts.

20. In this Act and in every other Act whether passed before or after the commencement of this Act expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.

Meaning of
"statutory
declaration"
in past and
future Acts.
5 & 6 Will. 4.
c. 62.

21. In this Act, and in every other Act, whether passed before or after the commencement of this Act, the expression "statutory declaration" shall, unless the contrary intention appears, mean a declaration made by virtue of the Statutory Declarations Act, 1835.

Meaning of
"financial
year" in
future Acts.

22. In this Act and in every Act passed after the commencement of this Act the expression "financial year" shall, unless the contrary intention appears, mean as respects any matters relating to the Consolidated Fund or moneys provided by Parliament, or to the Exchequer, or to Imperial taxes or finance, the twelve months ending the thirty-first day of March.

Definition
of Lands
Clauses Acts.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
46 & 47 Vict.
c. 15.

23. In any Act passed after the commencement of this Act, unless the contrary intention appears,—

The expression "Lands Clauses Acts" shall mean—

(a) as respects England and Wales, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Lands Clauses Consolidation Act, 1869, and the Lands Clauses (Umpire) Act, 1883, and any Acts for the time being in force amending the same.

[Parts omitted relate only to the meaning of the expression as respects Scotland and Ireland.]

Meaning of
Irish Valua-
tion Acts.

24. In any Act passed before or after the commencement of this Act the expression "Irish Valuation Acts" shall mean the Acts relating to the valuation of rateable property in Ireland.

Meaning of
"ordnance
map."

25. In this Act and in every other Act, whether passed before or after the commencement of this Act, the expression "ordnance map" shall, unless the contrary intention appears, mean a map made under the powers conferred by the Survey (Great Britain) Acts, 1841 to 1870, or by the Survey (Ireland) Acts, 1825 to 1870, and the Acts amending the same respectively.

Meaning of
"service by
post."

26. Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve," or the expression "give" or "send," or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of
"committed
for trial."

27. In every Act passed after the commencement of this Act, the expression "committed for trial" used in relation to any person shall, unless the contrary intention appears, mean, as respects England and Wales, committed to prison with the view of being tried before a judge and jury, whether the person is committed in pursuance of section twenty-two or of section twenty-five of the Indictable Offences Act, 1848, or is committed by a court, judge, coroner, or other authority having power to commit a person to any prison with a view to his trial, and shall include a person who is admitted to bail upon a recognizance to appear and take his trial before a judge and jury.

Meanings of
"sheriff,"
"felony," and
"misdemeanour" in

28. In this Act and in every Act passed after the commencement of this Act, unless the contrary intention appears—

The expression "sheriff" shall, as respects Scotland, include a sheriff substitute :

The expression "felony" shall, as respects Scotland, mean a high crime and offence : future Scotch Acts.

The expression "misdemeanour" shall, as respects Scotland, mean an offence.

29. In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression "county court" shall, as respects Ireland, mean a civil bill court within the meaning of the County Officers and Courts (Ireland) Act 1877. Meaning of "county court" in future Irish Acts. 40 & 41 Vict. c. 56.

30. In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown. References to the Crown.

31. Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power. Construction of statutory rules, etc.

32.—(1.) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires. Construction of provisions as to exercise of powers and duties.

(2.) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3.) Where an Act passed after the commencement of this Act confers a power to make any rules, regulations, or byelaws, the power shall, unless the contrary intention appears, be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations, or byelaws.

33. Where an act or omission constitutes an offence under two or more Acts, or both under an Act and at common law, whether any such Act was passed before or after the commencement of this Act, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same offence. Provisions as to offences under two or more laws.

34. In the measurement of any distance for the purposes of any Act passed after the commencement of this Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane. Measurement of distances.

35.—(1.) In any Act, instrument, or document, an Act may be cited by reference to the short title, if any, of the Act, either with or without a reference to the chapter, or by reference to the regnal year in which the Act was passed, and where there are more statutes or sessions than one in the same regnal year, by reference to the statute or the session, as the case may require, and where there are more chapters than one, by reference to the chapter, and any enactment may be cited by reference to the section or subsection of the Act in which the enactment is contained. Citation of Acts.

(2.) Where any Act passed after the commencement of this Act contains such reference as aforesaid, the reference shall, unless a contrary intention appears, be read as referring, in the case of statutes included in any revised edition of the statutes purporting to be printed by authority, to that edition, and in the case of statutes not so included, and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission; and in other cases to the copies

of the statutes purporting to be printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office.

(3.) In any Act passed after the commencement of this Act a description or citation of a portion of another Act shall, unless the contrary intention appears, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

"Commencement."

36.—(1.) In this Act, and in every Act passed either before or after the commencement of this Act, the expression "commencement," when used with reference to an Act, shall mean the time at which the Act comes into operation.

(2.) Where an Act passed after the commencement of this Act, or any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws made, granted, or issued, under a power conferred by any such Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

Exercise of statutory powers between passing and commencement of Act.

37. Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

Effect of repeal in future Acts.

38.—(1.) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

(2.) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

- (a.) revive anything not in force or existing at the time at which the repeal takes effect; or,
- (b.) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or
- (c.) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or
- (d.) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e.) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act had not been passed.

Supplemental.

Definition of "Act" in this Act.

39. In this Act the expression "Act" shall include a local and personal Act and a private Act.

Saving for past Acts.

40. The provisions of this Act respecting the construction of Acts passed after the commencement of this Act shall not affect the construction

of any Act passed before the commencement of this Act, although it is continued or amended by an Act passed after such commencement.

41. The Acts described in the Schedule to this Act are hereby repealed Repeal.
to the extent appearing in the third column of the Schedule.

42. [*Commencement of Act, 1st January 1890.*]

43. This Act may be cited as the Interpretation Act, 1889.

Short title.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Geo. 4. c. 28.	An Act for further improving the administration of justice in criminal cases in England.	Section fourteen.
9 Geo. 4. c. 51.	An Act for improving the administration of justice in criminal cases in Ireland.	Section thirty-five.
7 Will. 4. & 1 Vict. c. 39.	An Act to interpret the words "sheriff," "sheriff clerk," "shire," "sheriffdom," and "county," occurring in Acts of Parliament relating to Scotland.	The whole Act.
13 & 14 Vict. c. 21.	An Act for shortening the language used in Acts of Parliament.	The whole Act.
29 & 30 Vict. c. 113.	The Poor Law Amendment Act of 1866.	Section eighteen, from the beginning to "can be appointed, and."
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879	In section twenty the subsections numbered (3) and (6). Section fifty.
47 & 48 Vict. c. 43.	The Summary Jurisdiction Act, 1884	Section seven.
51 & 52 Vict. c. 43.	The County Courts Act, 1888	Section one hundred and eighty-seven, from the beginning to "is meant, and."

53 & 54 VICTORIA. A.D. 1890.

CHAPTER 70.

AN ACT TO CONSOLIDATE AND AMEND THE ACTS RELATING TO ARTIZANS AND LABOURERS DWELLINGS AND THE HOUSING OF THE WORKING CLASSES. [18th August 1890.]

1. This Act may be cited as the Housing of the Working Classes Act, 1890.

Short title
of Act.

PART I.

UNHEALTHY AREAS.

2. In this part of this Act—

The expression "this part of this Act" includes any confirming Act, and
The expression "the Acts relating to nuisances" means—

Definitions.

as respects the county of London and city of London, the Nuisances Removal Acts as defined by the Sanitary Act, 1866, and any Act amending these Acts*; and

* See note to 3rd Schedule.

29 & 30 Vict.
c. 90, s. 14.

as respects any urban sanitary district in England, the Public Health Acts ;

and in the case of any of the above-mentioned areas, includes any local Act which contains any provisions with respect to nuisances in that area.

Application
of Part I. of
Act.

3. This part of this Act shall not apply to rural sanitary districts.

Scheme by Local Authority.

Local
authority on
being satis-
fied by official
representa-
tion of the
unhealthiness
of district to
make scheme
for its im-
provement.

4. Where an official representation as herein-after mentioned * is made to the local authority that within a certain area in the district of such authority either—

- (a.) any houses, courts, or alleys are unfit for human habitation, or
- (b.) the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses or groups of houses within such area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the said area or of the neighbouring buildings ;

and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that any number of such areas may be included in one improvement scheme.

Official re-
presentation,
by whom to
be made.

5.—(1.) An official representation for the purposes of this part of this Act shall mean a representation made to the local authority by the medical officer of health of that authority, and in London made either by such officer or by any medical officer of health in London.

(2.) A medical officer of health shall make such representation whenever he sees cause to make the same ; and if two or more Justices of the Peace acting within the district for which he acts as medical officer of health, or twelve or more persons liable to be rated to the local rate complain to him of the unhealthiness of any area within such district, it shall be the duty of the medical officer of health forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the said area or any part thereof is an unhealthy area or is not an unhealthy area.

Requisites of
improvement
scheme of
local
authority.

6.—(1.) The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates, and

- (a.) may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes ; and
- (b.) may provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health ; and
- (c.) shall provide such dwelling accommodation, if any, for the working classes displaced by the scheme as is required to comply with this Act [see 3 *Edw.* 7, c. 39, s. 11] ; and
- (d.) shall provide for proper sanitary arrangements.

* See ss. 72, 73 and 79 (2).

(2.) The scheme shall distinguish the lands proposed to be taken compulsorily.

(3.) The scheme may also provide for the scheme or any part thereof being carried out and effected by the person entitled to the first estate of freehold in any property comprised in the scheme or with the concurrence of such person, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

Confirmation of Scheme.

7. Upon the completion of an improvement scheme the local authority shall— Publication of notices.

- (a.) publish, during three consecutive weeks *in the month of September, or October, or November,** in some one and the same newspaper circulating within the district of the local authority, an advertisement stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and
- (b.) *during the month next following the month in which such advertisement is published* serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands;* service of notices.
- (c.) Such notice shall be served—
 - (i.) by delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,
 - (ii.) by leaving the same at the usual or last known place of abode of such person as aforesaid; or,
 - (iii.) by post addressed to the usual or last known place of abode of such person. [*See 52 & 53 Vict. c. 63, s. 26.*]
- (d.) One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

8.—(1.) Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition, if it relates to any part of the county or city of London, to a Secretary of State,† and if it relates to any other place, to the Local Government Board, praying that an Order may be made confirming such scheme. Making and confirmation of Provisional Order.

(2.) The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State † or Local Government Board, according to the circumstances of the case (in this part of

* See 3 Edw. 7, c. 39, s. 5 (1).

† By an Order in Council of 27th February 1905, made under 3 Edw. 7, c. 39, s. 2 (*q.v. infra*), all the powers and duties of the Secretary of State under the Housing Acts or under any Scheme made in pursuance of those Acts, and the powers of the Secretary of State under any local Act, so far as they relate to the housing of the working classes, were as from the 1st day of March 1905 assigned to, and became powers and duties of, the Local Government Board.

this Act referred to as the confirming authority), may from time to time require.

(3.) If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area comprised in the scheme, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme.

(4.) After receiving the report made upon such inquiry, the confirming authority may make a Provisional Order declaring the limits of the area comprised in the scheme and authorising such scheme to be carried into execution. [*See 3 Edw. 7, c. 39, ss. 5 (2) and 6.*]

(5.) Such Provisional Order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any Provisional Order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this part of this Act to be served, except tenants for a month or a less period than a month.

(6.) A Provisional Order made in pursuance of this section shall not be of any validity unless and until it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any Act confirming any Provisional Order made in pursuance of this part of this Act, with such modifications as may seem fit to Parliament, shall be a public General Act of Parliament, and is in this part of this Act referred to as the confirming Act. [*Amended 3 Edw. 7, c. 39, s. 5 (2) and (3).*]

(7.) The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

(8.) All costs, charges, and expenses incurred by the confirming authority in relation to any Provisional Order under this part of this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this part of this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

(9.) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.

[*See 3 Edw. 7, c. 39, s. 5 (3).*]

Costs to be
awarded in
certain cases.

9.—(1.) Where any Bill for confirming a Provisional Order authorising an improvement scheme is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the Committee may think just.

(2.) Any costs under this section may be taxed and recovered in the

manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

(3.) The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

10. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, the local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed. *[See 3 Edw. 7, c. 39, s. 4 (1).]*

Inquiry on refusal of local authority to make an improvement scheme.

Provision of Dwelling Accommodation for Working Classes displaced by Scheme.

11.—(1.) Subject as herein-after mentioned, every scheme comprising an area in the county or city of London shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area comprised therein, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof.

Requisites of improvement scheme as to accommodation of working classes.

Provided that—

(a.) Where it is proved to the satisfaction of the confirming authority on an application to authorise a scheme that equally convenient accommodation can be provided for any persons of the working classes displaced by the scheme at some place other than within the area or the immediate vicinity of the area comprised in the scheme, and that the required accommodation has been or is about to be forthwith provided, either by the local authority or by any other person or body of persons, the confirming authority may authorise such scheme, and the requirements of this section with respect to providing accommodation for persons of the working class shall be deemed to have been complied with to the extent to which accommodation is so provided; and

(b.) Where the local authority apply for a dispensation under this section, and the officer conducting the local inquiry directed by the confirming authority reports that it is expedient, having regard to the special circumstances of the locality and to the number of artisans and others belonging to the working class dwelling within the area, and being employed within a mile thereof, that a modification should be made, the confirming authority, without prejudice to any other powers conferred on it by this part of this Act, may in the Provisional Order authorising the scheme, dispense altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by the scheme to such extent as the confirming authority may think expedient, having regard to such special circumstances as aforesaid, but not exceeding one half of the persons so displaced.

(2.) Where a scheme comprises an area situate elsewhere than in the county or city of London, it shall, if the confirming authority so require (but it shall not otherwise be obligatory on the local authority so to frame

their scheme), provide for the accommodation of such number of those persons of the working classes displaced in the area with respect to which the scheme is proposed in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the said authority on a report made by the officer conducting the local inquiry may require.

Execution of Scheme by Local Authority.

Duty of local authority to carry scheme when confirmed, into execution.

12.—(1.) When the confirming Act authorising any improvement scheme of a local authority under this part of this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable.

(2.) They may sell or let all or any part of the area comprised in the scheme to any purchasers or lessees for the purpose and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease.

(3.) The local authority may also engage with any body of trustees, society, or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall henceforth be public streets, repairable by the same authority as other streets in the district.

(4.) Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

(5.) If the local authority erect any dwellings out of funds to be provided under this part of this Act, they shall, unless the confirming authority otherwise determine, sell and dispose of all such dwellings within ten years from the time of the completion thereof.

(6.) The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying of the scheme into effect by him in respect of such land.

Completion of scheme on failure by local authority.

13. If within five years after the removal of any buildings on the land set aside by any scheme authorised by a confirming Act as sites for working men's dwellings, the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this part of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes,

in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

14. The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a Justice of the Peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.

Notice to occupiers by placards.

15.—(1.) The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme authorised by a confirming Act, may permit the local authority to modify any part of their improvement scheme which it may appear inexpedient to carry into execution, but any part of the scheme respecting the provision of dwelling accommodation for persons of the working class, when so modified, shall be such as might have been inserted in the original scheme.

Power of confirming authority to modify authorised scheme

(2.) A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after the permission is given, if Parliament be then sitting, and if not, within one month after the next meeting of Parliament.

Provided always, that if such modification requires a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or affects injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, the modification must be made by a Provisional Order to be confirmed by Act of Parliament in the manner provided by this part of this Act on the completion of an improvement scheme.

Inquiries with respect to Unhealthy Areas.

16.—(1.) Where in any district twelve or more ratepayers have complained to a medical officer of health of the unhealthiness of any area within that district, and the medical officer of health has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a legally qualified medical practitioner to inspect such area, and to make representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area or any part thereof is or is not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it states that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority. [See 3 *Edw. 7, c. 39, s. 4 (2).*]

Inquiry on default of medical officer in certain cases.

(2.) The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the medical practitioner appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where he is of opinion that the area or any part thereof is an unhealthy area.

(3.) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.

Proceedings
on local
inquiry.

17. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme, and to any other matter into which he is directed by this Act or the confirming authority to inquire for the purposes of this Act.

Notice of
inquiry to
be publicly
given.

18. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

Power to
administer
oath.

19. The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

Acquisition of Land.

Acquisition
of land.

20. The clauses of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement, shall not, except to the extent set forth in the Second Schedule to this Act, apply to any lands taken in pursuance of this part of this Act, but save as aforesaid the said Lands Clauses Acts, as amended by the provisions contained in the said Schedule, shall regulate and apply to the purchase and taking of lands, and shall for that purpose be deemed to form part of this part of this Act in the same manner as if they were enacted in the body thereof; subject to the provisions of this part of this Act and to the provisions following; that is to say,

(i.) This part of this Act shall authorise the taking by agreement of any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any confirming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:

(ii.) In the construction of the Lands Clauses Acts, and the provisions in the Second Schedule to this Act, this part of this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

Special pro-
vision as to
compensa-
tion.

21.—(1.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this part of this Act requires to be assessed—

(a) the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands included in a scheme which, in the opinion of the arbitrator, have been so included as falling under the description of property which may be constituted an unhealthy area under this part of this Act; and

(b) in such estimate any addition to or improvement of the property made after the date of the publication in pursuance of this part of this Act of an advertisement stating the fact of the improvement scheme having been made shall not (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands; and

(2.) On the occasion of assessing the compensation payable under any improvement scheme in respect of any house or premises situate within an unhealthy area evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the house or premises are in such a condition as to be a nuisance within the meaning of the Acts relating to nuisances, or are in a state of defective sanitation, or are not in reasonably good repair; or

(3rdly) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(a) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the house or premises were occupied for legal purposes and only by the number of persons whom the house or premises were under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) shall in the second case be the amount estimated as the value of the house or premises if the nuisance had been abated, or if they had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of abating the nuisance, or putting them into such condition or repair, as the case may be; and

(c) shall in the third case be the value of the land, and of the materials of the buildings thereon.

22. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for land is determinable under this part of this Act, or as near thereto as circumstances admit.

Extinction of rights of way and other easements.

23. A local authority may, for the purpose of providing accommodation for persons of the working classes displaced by any improvement scheme, appropriate any lands for the time being belonging to them which are suitable for the purpose, or may purchase by agreement any such further lands as may be convenient. [See 3 *Edw.* 7, c. 39, s. 11.]

Application of lands for accommodation of working classes.

Expenses.

24.—(1.) The receipts of a local authority under this part of this Act shall form a fund (in this Act referred to as “the Dwelling-house Improvement Fund”), and their expenditure shall be defrayed out of such fund.

Formation of improvement fund for purposes of Act.

(2.) The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this part of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

(3.) In settling any accounts of the local authority in respect of any transactions under this part of this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this part of this Act; and any balances of profit made by the local authority under this part of this Act shall be applicable to any purposes to which the local rate is for the time being applicable.

(4.) Any limit imposed on or in respect of local rates by any other Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses under this part of this Act.

(5.) The local authority may carry to the account of the Dwelling-house Improvement Fund any such money or produce of any property, as is legally applicable to purposes similar to the purposes of this part of this Act; and in case of doubt as to whether, in any particular case, the purposes are so similar the confirming authority may decide such doubt, and such decision shall be conclusive.

Power of borrowing money for the purposes of Part I. of Act. **25.**—(1.) A local authority may, in manner in this section mentioned, borrow such money as is required for the purposes of this part of this Act on the security of the local rate.

(2.) For the purpose of such borrowing, the London County Council may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works Loans Acts, 1869 to 1871, but all moneys required for the payment of the dividends on and the redemption of the consolidated stock created for the purposes of this part of this Act shall be charged to the special county account to which the expenditure for the purposes of this part of this Act is chargeable.

(3.) For the purpose of such borrowing, the Commissioners of Sewers for the City of London * may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require for the purposes of this part of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers,* the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners shall be incorporated with this part of this Act; and in the construction of that Act “the special Act” shall mean this part of this Act; “the Commissioners” shall mean the Commissioners of Sewers; “the clerk of the Commissioners” shall include any officer appointed for the purpose by the Commissioners of Sewers * by this part of this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

(4.) For the purpose of such borrowing, the urban sanitary authority shall have the same power of borrowing as they have under the Public Health Acts for the purpose of defraying any expenses incurred by them in the execution of those Acts.

(5.) The Public Works Loan Commissioners may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this part of this Act, on the security of the local rate. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority. [See 3 *Edw.* 7, c. 39, s. 1.]

* Now the Mayor and commonalty and citizens of the city of London. See the City of London Sewers Act 1897, s. 5.

General Provisions.

26. In case of the illness or unavoidable absence of a medical officer of health, the authority, board, or vestry who appointed him may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner, for the period of six months, or any less period to be named in the appointment.

Provision in case of absence of medical officer of health.

27. The confirming authority may by order* prescribe the forms of advertisements and notices under this part of this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this part of this Act.

Power of confirming authority as to advertisements and notices.

28. The confirming authority may, on the consideration of any petition of a local authority for an Order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this part of this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements and the service of other notices or otherwise as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

Power of confirming authority to dispense with notices in certain cases.

PART II

UNHEALTHY DWELLING-HOUSES.

Preliminary.

29. In this part of this Act, unless the context otherwise requires—
The expression “street” includes any court, alley, street, square, or row of houses :

Definitions
“Street.”

The expression “dwelling-house” means any inhabited building, and includes any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith, and includes the site of the dwelling-house as so defined.

“Dwelling-house.”

The expression “owner,” in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this part of this Act, except persons holding or entitled to the rents and profits of such premises for a term of years, of which twenty-one years do not remain unexpired :

The expression “closing order” means an order prohibiting the use of premises for human habitation made under the enactments set out in the Third Schedule in this Act.

“Closing order.”

Buildings unfit for Human Habitation.

30. It shall be the duty of the medical officer of health of every district to represent to the local authority of that district any dwelling-house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation.

Representation by medical officer of health.

31.—(1.) If in any district any four or more householders living in or near to any street complain in writing to the medical officer of health of that district that any dwelling-house in or near that street is in a condition so dangerous or injurious to health as to be unfit for human habitation, he shall forthwith inspect the same, and transmit to the local

Representation on householders' complaint.

* See, as to London, the Order of the Secretary of State dated 5th November 1890.

authority the said complaint, together with his opinion thereon, and if he is of opinion that the dwelling-house is in the condition aforesaid, shall represent the same to the local authority, but the absence of any such complaint shall not excuse him from inspecting any dwelling-house and making a representation thereon to the local authority.

(2.) [*As to proceedings in the event of a local authority not within the county of London declining to act.*]

Closing Order and Demolition.

Duty of local authority as to closing of dwelling-house unfit for human habitation.

32.—(1.) It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and, if on the representation of the medical officer, or of any officer of such authority, or information given, any dwelling-house appears to them to be in such state, to forthwith take proceedings against the owner or occupier for closing the dwelling-house under the enactments set out in the Third Schedule to this Act. [*See s. 73, and 3 Edw. 7, c. 39, s. 8 (1).*]

(2.) Any such proceedings may be taken for the express purpose of causing the dwelling-house to be closed whether the same be occupied or not, and upon such proceedings the court of summary jurisdiction may impose a penalty not exceeding twenty pounds, and make a closing order, and the forms for the purposes of this section may be those in the Fourth Schedule to this Act, or to the like effect, and the enactments respecting an appeal from a closing order shall apply to the imposition of such penalty as well as to a closing order. [*See 3 Edw. 7, c. 39, s. 8 (2).*]

(3.) Where a closing order has been made as respects any dwelling-house, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house, and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable to a penalty not exceeding twenty shillings a day during his disobedience to the order. Provided that the local authority may make to every such tenant such reasonable allowance on account of his expenses in removing, as may have been authorised by the court making the closing order, which authority the court is hereby authorised to give, and the amount of the said allowance shall be a civil debt due from the owner of the dwelling-house to the local authority, and shall be recoverable summarily. [*See 3 Edw. 7, c. 39, s. 10.*]

Order for demolition of house unfit for habitation.

33.—(1.) Where a closing order has been made in respect of any dwelling-house, and not been determined by a subsequent order, then the local authority, if of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, and that the continuance of any building being or being part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, shall pass a resolution that it is expedient to order the demolition of the building. [*See s. 73.*]

(2.) The local authority shall cause notice of such resolution to be served on the owner of the dwelling-house, and such notice shall specify the time and place appointed by the local authority for the further consideration of the resolution, not being less than one month after the service of the notice, and any owner of the dwelling-house shall be at liberty to attend and state his objections to the demolition.

(3.) If upon the consideration of the resolution and the objections the local authority decide that it is expedient so to do, then, unless an owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, the local authority shall order the demolition of the building.

(4.) If an owner undertakes as aforesaid to execute the said works, the local authority may order the execution of the works, within such reasonable time as is specified in the order, and if the works are not completed within that time or any extended time allowed by the local authority or a court of summary jurisdiction, the local authority shall order the demolition of the building.

34.—(1.) Where an order for the demolition of a building has been made, the owner thereof shall within three months after service of the order proceed to take down and remove the building, and if the owner fails therein the local authority shall proceed to take down and remove the building and shall sell the materials, and after deducting the expenses incident to such taking down and removal, pay over the balance of money (if any) to the owner. *[See 3 Edw. 7, c. 39, s. 9.]*

Execution of an order for demolition, and provision as to site.

(2.) Where a building has been so taken down and removed, no house or other building or erection which will be dangerous or injurious to health shall be erected on all or any part of the site of such building; and if any house, building, or erection is erected contrary to the provisions of this section, the local authority may at any time order the owner thereof to abate the same, and in the event of non-compliance with the order, may at the expense of the owner abate or alter the same.

35.—(1.) Any person aggrieved by an order of the local authority under this part of this Act, may appeal against the same to a court of quarter sessions, and no work shall be done nor proceedings taken under any order until after the appeal is determined or ceases to be prosecuted; and section thirty-one of the Summary Jurisdiction Act, 1879, respecting appeals from courts of summary jurisdiction to courts of quarter sessions shall apply with the necessary modifications as if the order of the local authority were an order of a court of summary jurisdiction.

Appeal against order of local authority.

42 & 43 Vict. c. 49.

(2.) Provided that—

(a.) Notice of appeal may be given within one month after notice of the order of the local authority has been served on such person;

(b.) The court shall, at the request of either party, state the facts specially for the determination of a superior court, in which case the proceedings may be removed into that court.

36.—(1.) Where any owner has completed in respect of any dwelling-house any works required to be executed by an order of a local authority under this part of this Act, he may apply to the local authority for a charging order, and shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and also the accounts of and vouchers for the costs, charges, and expenses of the works, and the local authority, when satisfied that the owner has duly executed such works and of the amount of such costs, charges, and expenses, and of the costs of obtaining the charging order which have been properly incurred, shall make an order accordingly, charging on the dwelling-house an annuity to repay the amount.

Grant of charges by way of annuity to owner on completion of works.

(2.) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term of thirty years to the owner named in such order, his executors, administrators, or assigns.

(3.) Every such annuity may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the dwelling-house by the owner thereof.

(4.) Charging orders made under this section shall be made according to the Form marked A. in the Fifth Schedule to this Act, or as near thereto as the circumstances of the case will admit.

37.—(1.) Every charge created by a charging order under this part of this Act shall be a charge on the dwelling-house specified in the order,

Incidence of charge.

having priority over all existing and future estates, interests, and incumbrances, with the exception of quitrents and other charges incident to tenure, tithe commutation rentcharge, and any charge created under any Act authorising advances of public money; and where more charges than one are charged under this part of this Act on any dwelling-house such charges shall, as between themselves, take order according to their respective dates.

(2.) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this part of this Act directed with reference to or consequent on the obtaining of such order, or the making of such charge, have been duly served, done, and taken, and that such charge has been duly created, and that it is a valid charge on the dwelling-house declared to be subject thereto.

(3.) Every such charging order, if it relates to a dwelling-house in the area to which the enactments relating to the registration of land in Middlesex apply or to a dwelling-house in Yorkshire, shall be registered in like manner as if the charge were made by deed by the absolute owner of the dwelling-house.

(4.) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk of the local authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the dwelling-house is situate, and be by him filed and recorded.

(5.) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred. Any transfer may be in the Form marked B. in the Fifth Schedule to this Act, or in any other convenient form.

Obstructive Buildings.

Power to local authority to purchase houses for opening alleys, etc.

38.—(1.) If a medical officer of health finds that any building within his district, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say,—

(a.) It stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b.) It prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

in any such case, the medical officer of health shall represent to the local authority the particulars relating to such first-mentioned building (in this Act referred to as “an obstructive building”) stating that in his opinion it is expedient that the obstructive building should be pulled down.

(2.) Any four or more inhabitant householders of a district may make to the local authority of the district a representation as respects any building to the like effect as that of the medical officer under this section.

(3.) The local authority on receiving any such representation as above in this section mentioned shall cause a report to be made to them respecting the circumstances of the building and the cost of pulling down the building and acquiring the land, and on receiving such report shall take into consideration the representation and report, and if they decide to proceed, shall cause a copy of both the representation and report to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order either allowing the objection or directing that such obstructive building shall be pulled down, and such order shall be subject

to appeal in like manner as an order of demolition of the local authority under the foregoing provisions of this part of this Act.

(4.) Where an order of the local authority for pulling down an obstructive building is made under this section and either no appeal is made against the order, or an appeal is made and either fails or is abandoned, the local authority shall be authorised to purchase the lands on which the obstructive building is erected in like manner as if they had been authorised by a special Act to purchase the same; and for the purpose of such purchase the provisions of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this part of this Act (subject nevertheless to the provisions of this part of this Act), and for the purpose of the provisions of the Lands Clauses Acts this part of this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation.

(5.) The owner of the lands may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

(6.) The amount of such compensation, and also the amount of any compensation to be paid on the purchase of any lands under this section, shall in case of difference be settled by arbitration in manner provided in this part of this Act.

(7.) Where the local authority is empowered to purchase land compulsorily, it shall not be competent for the owner of a house or manufactory to insist on his entire holding being taken, where part only is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the arbitrator to whom the question of disputed compensation is submitted, be severed from the remainder of the house or manufactory without material detriment thereto, provided that compensation may be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part.

(8.) Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building, and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates shall, so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act. [*See the Public Health Act 1875, ss. 213—215.*]

(9.) If any dispute arises between the owner or occupier of any building (to which any amount may be apportioned in respect of private improvement expenses) and the arbitrator by whom such apportionment is made, such dispute shall be settled by two Justices in manner provided by the Lands Clauses Acts, in cases where the compensation claimed in respect of lands does not exceed fifty pounds.

(10.) Where the owner retains the site or any part thereof, no house or other building or erection which will be dangerous or injurious to health, or which will be an obstructive building within the meaning of

this section, shall be erected upon such site or any part thereof; and if any house, building, or erection is erected on the site contrary to the provisions of this section the local authority may at any time order the owner to abate or alter the said house, building, or erection; and in the event of non-compliance with such order may, at the expense of the owner thereof, abate or alter the same.

(11.) Where the lands are purchased by the local authority the local authority shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this section, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building, and may, with the assent of the Local Government Board, and upon such terms as that Board think expedient, sell such portion of the site as is not required for the purpose of carrying this section into effect.

(12.) A local authority may, where they so think fit, dedicate any land acquired by them under the authority of this section as a highway or other public place.

*Scheme for Reconstruction.**

Scheme for
area compris-
ing houses
closed by
closing order.

39.†—(1.) In any of the following cases, that is to say—

- (a) where an order for the demolition of a building has been made in pursuance of this part of this Act, and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses if the area of the dwelling-house of which such building forms part were used for all or any of the following purposes, that is to say, either—
 - (i) dedicated as a highway or open space, or
 - (ii) appropriated, sold, or let for the erection of dwellings for the working classes, or
 - (iii) exchanged with other neighbouring land which is more suitable for the erection of such dwellings, and on exchange will be appropriated, sold, or let for such erection; or
- (b) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad condition of any buildings, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants either of the said buildings or of the neighbouring buildings, and that the demolition or the reconstruction and re-arrangement of the said buildings or of some of them is necessary to remedy the said evils, and that the area comprising those buildings and the yards, outhouses, and appurtenances thereof, and the site thereof, is too small to be dealt with as an unhealthy area under Part I. of this Act,

the local authority shall pass a resolution to the above effect and direct a scheme to be prepared for the improvement of the said area.

(2.) Notice of the scheme may at any time after the preparation thereof be served in manner provided in Part I. of this Act with respect to notices of lands proposed to be taken compulsorily under a scheme made in pursuance of that part of this Act, on every owner or reputed owner,

* See 3 Edw. 7, c. 39, ss. 6, 7 and 14.

† S. 1 of the Housing of the Working Classes Act 1894 enacts as follows: "1. For any purpose for which a local authority are, by a scheme for reconstruction duly sanctioned under Part II. of the Housing of the Working Classes Act, 1890, or by the Order sanctioning the Scheme, authorised to borrow, the authority shall have power and shall be deemed always to have had power to borrow in like manner and subject to the like conditions as they may borrow under section forty-three of that Act for the purpose of raising the sums required for the purchase money or compensation therein mentioned, and sections forty-three and forty-six of that Act shall apply accordingly."

lessee or reputed lessee, and occupier of any part of the area comprised in the scheme, so far as those persons can reasonably be ascertained.

(3.) The local authority shall, after service of such notice, petition the Local Government Board for an order sanctioning the scheme, and the Board may cause a local inquiry to be held, and, if satisfied on the report of such local inquiry that the carrying into effect of the scheme either absolutely, or subject to conditions or modifications would be beneficial to the health of the inhabitants of the said buildings or of the neighbouring dwelling-houses, may by order sanction the scheme with or without such conditions or modifications.

(4.) Upon such order being made, the local authority may purchase by agreement the area comprised in the scheme as so sanctioned, and if they agree for the purchase of the whole area, the order, save so far as it provides for the taking of land otherwise than by agreement, shall take effect without confirmation. If they do not so agree, the order shall be published by the local authority by inserting a notice thereof in the London Gazette, and by serving notice thereof on the owners of every part of the area.

(5.) Any owner may, within two months after such publication, petition the Local Government Board against the order, and if such petition is presented and is not withdrawn, the order shall be provisional unless it is confirmed by Act of Parliament.

(6.) If the Local Government Board are satisfied that the order has been duly published, and that two months after such publication have expired, and that either a petition has not been presented, or if presented has been withdrawn, they shall confirm the order, and thereupon such order shall come into operation, and have effect as if it were enacted by this Act.

(7.) The order may incorporate the provisions of the Lands Clauses Acts, and for the purpose of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the area shall be acquired within three years after the date of the confirmation of the order: Provided that the amount of compensation shall, in case of difference, be settled by arbitration in manner provided by this part of this Act.

(8.) The provisions of Part I. of this Act relating to costs to be awarded in certain cases by a committee of either House of Parliament, to the duty of a local authority to carry a scheme when confirmed into execution, to the completion of a scheme on failure by a local authority, and to the extinction of rights of way and other easements, shall, with the necessary modifications, apply for the purpose of any scheme under this section in like manner as if it were a scheme under Part I. of this Act.

(9.) The Local Government Board, on being satisfied by the local authority that an improvement can be made in the details of any scheme under this section, may by order permit the local authority to modify any part of the scheme which it may appear inexpedient to carry into execution: Provided that—

(a) if the order sanctioning the scheme was confirmed by Parliament, a statement of such modification shall be laid by the Local Government Board before both Houses of Parliament as soon as practicable; and

(b) in any case, if the modification requires a larger expenditure than that sanctioned by the original scheme, or authorises the taking of any property otherwise than by agreement, or injuriously affects any property in a manner different from that proposed in the original scheme, without the consent of the owner or occupier of such property, notice of the order authorising the modification shall be published, and the order may be petitioned against and shall be subject to confirmation in like manner as if it were an order sanctioning an original scheme under this section.

Provisions for accommodation of persons of the working classes.

40. The Local Government Board shall in any order sanctioning a scheme under this part of this Act require the insertion in the scheme of such provisions (if any) for the dwelling accommodation of persons of the working classes displaced by the scheme as seem to the Board required by the circumstances.

Settlement of Compensation.

Provisions as to arbitration.

41. In all cases in which the amount of any compensation is, in pursuance of this part of this Act, to be settled by arbitration, the following provisions shall have effect; (namely,)

(1.) The amount of compensation shall be settled by an arbitrator to be appointed and removable by the Local Government Board.

(2.) In settling the amount of any compensation—

(a.) The estimate of the value of the dwelling-house shall be based on the fair market value as estimated at the time of the valuation being made of such dwelling-house, and of the several interests in such dwelling-house, due regard being had to the nature and then condition of the property and the probable duration of the buildings in their existing state, and to the state of repair thereof, and without any additional allowance in respect of compulsory purchase; and

(b.) The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other dwelling-houses of the same owner by the alteration or demolition by the local authority of any buildings. [See 3 *Edw. 7, c. 39, s. 7.*]

(3.) Evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the dwelling-house was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the dwelling-house is in a state of defective sanitation, or is not in reasonably good repair; or

(3rdly) that the dwelling-house is unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(a) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the dwelling-house was occupied for legal purposes and only by the number of persons whom the dwelling-house was under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) shall in the second case be the amount estimated as the value of the dwelling-house if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(c) shall in the third case be the value of the land, and of the materials of the buildings thereon.

(4.) On payment or tender to the person entitled to receive the same of the amount of compensation agreed or awarded to be paid in respect of the dwelling-house, or on payment thereof in manner prescribed by the Lands Clauses Acts, the owner shall, when required by the local authority, convey his interest in such dwelling-house to them, or as they may direct; and in default thereof, or if the owner fails to adduce a good title to such dwelling-house to the satisfaction of the local authority, it shall be lawful for the local authority, if they think fit, to execute a deed poll in such manner and with such consequences as are mentioned in the Lands Clauses Acts.

- (5.) Sections thirty-two, thirty-three, thirty-five, thirty-six, and thirty-seven of the Lands Clauses Consolidation Act, 1845, shall apply, with any necessary modifications, to an arbitration and to an arbitrator appointed under this part of this Act. 8 & 9 Vict. c. 18.
- (6.) The arbitrator may, by one award, settle the amount or amounts of compensation payable in respect of all or any of the dwelling-houses included in one or more order or orders made by the local authority; but he may, and, if the local authority request him so to do, shall, from time to time make an award respecting a portion only of the disputed cases brought before him.
- (7.) In the event of the death, removal, resignation, or incapacity, refusal, or neglect to act of any arbitrator before he shall have made his award, the Local Government Board may appoint another arbitrator, to whom all documents relating to the matter of the arbitration which were in the possession of the former arbitrator shall be delivered.
- (8.) The arbitrator may, where he thinks fit, on the request of any party by whom any claim has been made before him, certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority.
- (9.) The arbitrator shall not give such certificate where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator, and need not give such certificate to any party where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator.
- (10.) If within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per annum for any time during which the same remains unpaid after such seven days as aforesaid.
- (11.) The award of the arbitrator shall be final and binding on all parties.

Expenses and Borrowing.

42.—(1.) All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed by them out of the local rate; and that authority, notwithstanding any limit contained in any Act of Parliament respecting a local rate, may levy such local rate, or any increase thereof, for the purposes of this part of this Act. Expenses of local authority.

(2.) Any expenses incurred by a rural sanitary authority under this part of this Act, other than the expenses incurred in and incidental to proceedings for obtaining a closing order, shall be charged as special expenses on the contributory place in respect of which they are incurred.

43.—(1.) A local authority may borrow for the purpose of raising sums required for purchase money or compensation payable under this part of this Act in like manner, and subject to the like conditions, as for the purpose of defraying the expenses of the execution by such authority of the Public Health Acts. Provision as to borrowing.

(2.) The Public Works Loan Commissioners may, if they think fit, lend to any local authority the sums borrowed in pursuance of this part of this Act.

Annual account to be presented by the local authority.

44. Every local authority shall every year present to the Local Government Board, in such form as they may direct, an account of what has been done, and of all moneys received and paid by them during the previous year, with a view to carrying into effect the purposes of this part of this Act.

Powers of County Councils.

Powers of county councils.

45.—(1.) Where the medical officer of health or any inhabitant householders make a representation or complaint, or give information to any vestry* or district board* in the administrative county of London or to the Local Board of Woolwich,† or to any rural sanitary authority elsewhere (which vestry, board, or authority is in this Act referred to as the district authority) or to the medical officer of such authority either respecting any dwelling-house being in a state so dangerous or injurious to health as to be unfit for human habitation, or respecting an obstructive building, and also where a closing order has been made as respects any dwelling-house, the district authority shall forthwith forward to the county council of the county in which the dwelling-house or building is situate, a copy of such representation, complaint, information, or closing order, and shall from time to time report to the council such particulars as the council require respecting any proceedings taken by the authority with reference to such representation, complaint, information, or dwelling-house.

(2.) Where the county council—

(a) are of opinion that proceedings for a closing order as respects any dwelling-house ought to be instituted, or that an order ought to be made for the demolition of any buildings forming or forming part of any dwelling-house as to which a closing order has been made, or that an order ought to be made for pulling down an obstructive building specified in any representation under this part of this Act; and

(b) after reasonable notice, not being less than one month, of such opinion has been given in writing to the district authority, consider that such authority have failed to institute or properly prosecute proceedings, or to make the order for demolition, or to take steps for pulling down an obstructive building;

the council may pass a resolution to that effect, and thereupon the powers of the district authority as respects the said dwelling-house and building under this part of this Act (otherwise than in respect of a scheme), shall be vested in the county council, and if a closing order or an order for demolition or for pulling down an obstructive building is made, and not disallowed on appeal, the expenses of the council incurred as respects the said dwelling-house and building, including any compensation paid, shall be a simple contract debt to the council from the district authority.

(3.) Any debt to the council under this section shall be defrayed by the district authority as part of their expenses in the execution of this part of this Act.

(4.) The county council and any of their officers shall, for the purposes of this section, have the same right of admission to any premises as any district authority or their officers have for the purpose of the execution of their duties under the enactments relating to public health, and a Justice may make the like order for enforcing such admission. [See 54 & 55 *Vict. c. 76, ss. 5 (9), 10, 20 (7), 40 (1), 47 (1), 60 (3), 71 (1), 82 (3), 95 (3), 97 (2), and 115.*]

Special Provisions as to London.

Application of part of Act to London.

46. This part of this Act shall apply to the administrative county of London with the following modifications:—

(1.) The provisions of the Public Health Acts relating to private

* Now the council of a metropolitan borough. See 62 & 63 *Vict. c. 14, s. 4.*

† Now the Council of the Metropolitan Borough of Woolwich. See 62 & 63 *Vict. c. 14, s. 19.*

improvement expenses and to private improvement rates shall, for the purpose of this part of this Act, extend to the county and to the city of London, and in the construction of the said provisions, as respects the county of London, any local authority in that county, and as respects the city of London the Commissioners of Sewers,* shall be deemed to be the urban authority. [See note on s. 38 (8).]

- (2.) The raising of sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which the London County Council or the Commissioners of Sewers* of the city of London, may borrow under Part One of this Act, and a purpose for which a vestry† or district board‡ may borrow under the Metropolis Management Act, 1855, and the provisions of Part One of this Act with respect to borrowing, and sections one hundred and eighty-three to one hundred and ninety-one of the Metropolis Management Act, 1855, shall apply and have effect accordingly. [See s. 25, and 3 *Edw. 7, c. 39, s. 14.*]
- (3.) The London County Council may, if they think fit, lend to a local authority in the administrative county of London the sums borrowed in pursuance of this part of this Act.
- (4.) For the purpose of the assent required for the sale of any portion of the site of an obstructive building by a local authority, and of the account to be presented by a local authority of what has been done by them and of moneys received and paid by them during the previous year a Secretary of State shall be substituted for the Local Government Board. [See note on s. 8.]
- (5.) Where it appears to the county council, whether in the exercise of the powers of a vestry† or district board‡ or on the representation of a vestry† or district board‡ or otherwise, that a scheme under this part of this Act ought to be made, the council may take proceedings for preparing and obtaining the confirmation of a scheme, and the provisions of this Act respecting the scheme shall apply in like manner as if they were the vestry† or district board,‡ and all expenses of and incidental to the scheme and carrying the same into effect shall, save as herein-after mentioned, be borne by the county fund. [See 3 *Edw. 7, c. 39, s. 14.*]
- (6.) Where the council consider that such expenses, or a contribution in respect of them, ought to be paid or made by a vestry† or district board,‡ they may apply to a Secretary of State,§ and the Secretary of State,§ if satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the vestry† or district board‡ ought to pay, or make a contribution in respect of, the said expenses, the Secretary of State§ may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the vestry† or district board‡ to the council. [See 3 *Edw. 7, c. 39, s. 14.*]
- (7.) The county council may, if they think fit, pay or contribute to the payment of the expenses of carrying into effect a scheme under this part of this Act by a vestry† or district board,‡ and if a vestry† or district board‡ consider that the expenses of carrying into effect any scheme under this part of this Act, or a contribution in respect of those expenses, ought to be paid or made by the county council, and the county council decline or fail to agree to pay or make the same, the vestry† or district board‡ may apply to a Secretary of State,§ and if the Secretary of State§ is satisfied that, having regard to the size of the

* Now the Mayor, commonalty, and citizens of the city of London. See the City of London Sewers Act 1897.

† Now a council of a metropolitan borough. See 62 & 63 Vict. c. 14, s. 4.

§ See Note on sec. 8.

area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the council ought to pay or make a contribution in respect of the said expenses, he may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the council to the vestry* or district board.*

- (8.) In the application of this section to Woolwich, the local board of health† shall be deemed to be a district board, *but the raising of any sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which they may borrow under the Public Health Acts, and the Public Health Acts shall apply accordingly.* [*Words in italics superseded by the London (Woolwich) Scheme 1900 made under 62 & 63 Vict. c. 14.*]

Supplemental.

Provision as to superior landlord.

47.—(1.) Where an owner of any dwelling-house is not the person in receipt of the rents and profits thereof, he may give notice of such ownership to the local authority, and thereupon the local authority shall give such owner notice of any proceedings taken by them in pursuance of this part of this Act in relation to such dwelling-house.

(2.) If it appears to a court of summary jurisdiction on the application of any owner of the dwelling-house that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made, or in the demolition of any building or any dwelling-house or in claiming to retain any site, in pursuance of this part of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the court may make an order empowering the applicant forthwith to enter on the dwelling-house, and within the time fixed by the order to execute the said works, or to demolish the building or to claim to retain the site, as the case may be, and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

(3.) A court of summary jurisdiction may in any case by order enlarge the time allowed under any order for the execution of any works or the demolition of a building, or the time within which a claim may be made to retain the site of a building.

(4.) Before an order is made under this section notice of the application shall be given to the local authority.

Remedies of owner for breach of covenant, etc. not to be prejudiced.

48. Nothing in this part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by a local authority under this part of this Act; and if any owner is obliged to take possession of any dwelling-house in order to comply with any such order, the taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance that may have occurred prior to his so taking possession.

Service of notices.

49.—(1.) Where the owner of any dwelling-house and his residence or place of business are known to the local authority, it shall be the duty of the clerk of the local authority, if the residence or place of business is within the district of such local authority, to serve any notice by this part of this Act required to be served on the owner, by giving it to him, or for him, to some inmate of his residence or place of business within the district; and in any other case it shall be the duty of the clerk of the local authority to serve the notice by post in a registered letter addressed to the owner at his residence or place of business. [*See 3 Edw. 7, c. 39, s. 13 (1).*]

* Now a council of a metropolitan borough. See 62 & 63 Vict. c. 14, s. 4.

† Now the Council of the Metropolitan Borough of Woolwich. See 62 and 63 Vict. c. 14, s. 19.

(2.) Where the owner of the dwelling-house or his residence or place of business is not known to, and after diligent inquiry cannot be found by the local authority, then the clerk of the local authority may serve the notice by leaving it, addressed to the owner, with some occupier of the dwelling-house, or if there be not an occupier, then by causing it to be put up on some conspicuous part of the dwelling-house. [See 3 *Edw.* 7, c. 39, s. 13 (1).]

(3.) Notice served upon the agent of the owner shall be deemed notice to the owner. [See 3 *Edw.* 7, c. 39, s. 13 (1).]

50. Where in any proceedings under this part of this Act it is necessary to refer to the owner of any dwelling-house, it shall be sufficient to designate him as the "owner" thereof without name or further description. Description of owner in proceedings.

51.—(1.) If any person being the occupier of any dwelling-house prevents the owner thereof, or being the owner or occupier of any dwelling-house prevents the medical officer of health, or the officers, agents, servants, or workmen of such owner or officer from carrying into effect with respect to the dwelling-house any of the provisions of this part of this Act, after notice of the intention so to do has been given to such person, any court of summary jurisdiction on proof thereof may order such person to permit to be done on such premises all things requisite for carrying into effect, with respect to such dwelling-house, the provisions of this part of this Act. Penalty for preventing execution of Act.

(2.) If at the expiration of ten days after the service of such order such person fails to comply therewith, he shall for every day during which the failure continues be liable on summary conviction to a fine not exceeding twenty pounds: Provided that if any such failure is by the occupier, the owner, unless assenting thereto, shall not be liable to a fine.

52. A representation from the medical officer of health of any county submitted to the county council and forwarded by that council to the local authority of any district in the county, not being a borough as defined by the Municipal Corporations Act, 1882, shall, for the purposes of this part of this Act, have the like effect as a representation from the medical officer of health of the district. Report to local authority by county medical officer.
45 & 46 Vict. c. 50.

PART III.

WORKING CLASS LODGING HOUSES.*

Adoption of Part III.

53.—(1.) The expression "lodging houses for the working classes" when used in this part of this Act shall include separate houses or cottages for the working classes, whether containing one or several tenements, and the purposes of this part of this Act shall include the provision of such houses and cottages. Definition of purposes of Labouring Classes Lodging Houses Acts.

(2.) The expression "cottage" in this part of this Act may include a garden of not more than half an acre, provided that the estimated annual value of such garden shall not exceed three pounds.

54. This part of this Act may be adopted in the several districts mentioned in the First Schedule to this Act by the local authorities in that behalf in that Schedule mentioned. . . . [Proviso (as to a rural sanitary district) rep. 63 & 64 Vict. c. 59, s. 2 (3).] Adoption of this part of Act.

55. [Provisions in case of the adoption of this part of the Act by rural sanitary authority. Rep. 63 & 64 Vict. c. 59, s. 2 (3).]

Execution of Part III. by Local Authority.

56. Where this part of this Act has been adopted in any district, the local authority shall have power to carry it into execution (subject to the local authority. Powers of local authority.

* See 63 & 64 Vict. c. 59, and 3 *Edw.* 7, c. 39, s. 11.

18 & 19 Vict.
c. 120.
38 & 39 Vict.
c. 55.

provisions of this part of this Act with respect to rural sanitary authorities), and for that purpose may exercise the same powers whether of contract or otherwise as in the execution of their duties in the case of the London County Council under the Metropolis Management Act, 1855, and the Acts amending the same, or in the case of sanitary authorities under the Public Health Acts, or in the case of the Commissioners of Sewers * under the Acts conferring powers on such Commissioners. [See 18 & 19 Vict. c. 120, ss. 149—154.]

Acquisition
of land.
38 & 39 Vict.
c. 55.

57.—(1.) Land for the purposes of this part of this Act may be acquired by a local authority in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight,† both inclusive, of that Act (relating to the purchase of lands), shall apply accordingly, and shall for the purposes of this part of this Act extend to London in like manner as if the Commissioners of Sewers * and London County Council respectively were a local authority in the said sections mentioned, and a Secretary of State‡ were substituted for the Local Government Board. [See also 63 & 64 Vict. c. 59, s. 5 (1).]

(2.) The local authority may, if they think fit, contract for the purchase or lease of any lodging houses for the working classes already, or hereafter to be built and provided. [See 3 Edw. 7, c. 39, s. 11.]

(3.) The local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the land is situate, appropriate, for the purposes of this part of this Act, any lodging houses so purchased or taken on lease, and any other land which may be for the time being vested in them, or at their disposal.

Local
authority
may pur-
chase exist-
ing lodging
houses.

58. The trustees of any lodging houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the lodging houses to the local authority of the district, or make over to them the management thereof. [See 3 Edw. 7, c. 39, s. 11.]

Erection of
lodging
houses.

59. The local authority may, on any land acquired or appropriated by them, erect any buildings suitable for lodging houses for the working classes, and convert any buildings into lodging houses for the working classes, and may alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences. [See 3 Edw. 7, c. 39, s. 11.]

Sale and
exchange
of lands

60. A local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the land is situate, sell any land vested in them for the purposes of this part of this Act, and apply the proceeds in or towards the purchase of other land better adapted for those purposes, and may in like manner and with the like consent exchange any land so vested in them for land better adapted to the purposes of this part of this Act, either with or without paying or receiving any money for equality of exchange.

Management of Lodging Houses.

Management
to be vested
in local
authority.

61.—(1.) The general management, regulation, and control of the lodging houses established or acquired by a local authority under this part of this Act shall be vested in and exercised by the local authority.

(2.) The local authority may make such reasonable charges for the tenancy or occupation of the lodging houses provided under this part of this Act as they may determine by regulations. [See 63 & 64 Vict. c. 59, s. 5 (2).]

* Now the Mayor and commonalty and citizens of the city of London. See the City of London Sewers Act 1897, s. 5.

† See 38 & 39 Vict. c. 55, ss. 175—178.

‡ See note on s. 8.

62.—(1.) The local authority may make byelaws for the management, use, and regulation of the lodging houses, and it shall be obligatory on the local authority, except in the case of a lodging house which is occupied as a separate dwelling, by such byelaws to make sufficient provision for the several purposes expressed in the Sixth Schedule to this Act. Byelaws for regulation of lodging houses.

(2.) A printed copy or sufficient abstract of the byelaws relating to the management, use, and regulation of the lodging houses shall be put up and at all times kept in every room therein. [*Note on s. 61 applies.*]

63. Any person who, or whose wife or husband, at any time while such person is a tenant or occupier of any such lodging house, or any part of such a lodging house, receives any relief under the Acts relating to the relief of the poor other than relief granted on account only of accident or temporary illness, shall thereupon be disqualified for continuing to be such a tenant or occupier. Disqualification of tenants of lodging houses on receiving parochial relief.

64. Whenever any lodging houses established for seven years or upwards under the authority of this part of this Act are determined by the local authority to be unnecessary or too expensive to be kept up, the local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the lodging houses are situate, sell the same for the best price that can reasonably be obtained for the same, and the local authority shall convey the same accordingly. When lodging houses are considered too expensive they may be sold.

Expenses and Borrowing of Local Authorities.

65. All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed— Payment of expenses.

(i.) in the case of an authority in the administrative county of London, out of the Dwelling House Improvement Fund under Part I. of this Act. [*See 63 & 64 Vict. c. 59, s. 3.*]

[*Parts omitted (as to the expenses of urban and rural sanitary authorities).*]

66. The London County Council and the Commissioners of Sewers* may borrow for the purpose of the execution of this part of this Act, in like manner and subject to the like conditions as they may borrow for the purposes of Part I. of this Act, and a sanitary authority may borrow for the purpose of the execution of this part of this Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses. Borrowing for purposes of Part III.

67. [*As to loans by the Public Works Loan Commissioners to and powers of companies, societies, and individuals for the construction or improvement of dwellings for the working classes.*]

68. [*Powers to railway, dock, and other companies, etc. to erect dwellings for persons of the working class employed by them.*]

69. Any commissioners of waterworks, trustees of waterworks, water companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for lodging-houses provided under this part of this Act, either without charge or on such other favourable terms as they think fit. Power to water and gas companies to supply water and gas to lodging houses.

70. A lodging house established in any district under this part of this Act, shall be at all times open to the inspection of the local authority of that district or of any officer from time to time authorised by such authority. Inspection of lodging houses.

71. Any fine for the breach of any byelaw under this part of this Act shall be paid to the credit of the funds out of which the expenses of this part of this Act are defrayed. Application of penalties.

* Now the Mayor and commonalty and citizens of the city of London. See the City of London Sewers Act 1897, s. 5.

PART IV.

SUPPLEMENTAL.

Limit of
area to be
dealt with
on official
representa-
tion.

72. Where an official representation made to the London County Council in pursuance of Part I. of this Act relates to not more than ten houses, the London County Council shall not take any proceedings on such representation, but shall direct the medical officer of health making the same to represent the case to the local authority under Part II. of this Act, and it shall be the duty of the local authority to deal with such case in manner provided by that part of this Act.

Provisions
as to parts of
Act under
which
reports are
to be dealt
with in
county of
London.

73.—(1.) In either of the following cases:

(a.) Where a medical officer of health has represented to any local authority in the county of London under Part II. of this Act that any dwelling-houses are in a condition so dangerous or injurious to health, as to be unfit for human habitation, or that the pulling down of any obstructive buildings would be expedient, and such authority resolve that the case of such dwelling-houses or buildings is of such general importance to the county of London that it should be dealt with by a scheme under Part I. of this Act; or

(b.) Where an official representation as mentioned in Part I. of this Act has been made to the London County Council in relation to any houses, courts, or alleys within a certain area, and that Council resolve that the case of such houses, courts, or alleys is not of general importance to the county of London and should be dealt with under Part II. of this Act;

such local authority or council may submit such resolution to a Secretary of State,* and thereupon the Secretary of State* may appoint an arbitrator, and direct him to hold a local inquiry, and such arbitrator shall hold such inquiry, and report to the Secretary of State* as to whether, having regard to the size of the area, to the number of houses to be dealt with, to the position, structure, and sanitary condition of such houses, and of the neighbourhood thereof, and to the provisions of Part I. of this Act, the case is either wholly or partially of any and what importance to the county of London, with power to such arbitrator to report that in the event of the case being dealt with under Part II. of this Act, the London County Council ought to make a contribution in respect of the expense of dealing with the case.

(2.) The Secretary of State,* after considering the report of the arbitrator, may, according as to him seems just, decide that the case shall be dealt with either under Part II. of this Act, or under Part I. of this Act, and the medical officer of health or other proper officer shall forthwith make the representation necessary for proceedings in accordance with such decision.

Amend-
ment of
45 & 46 Vict.
c. 38,
as regards
erection of
buildings
for working
classes.

74.—(1.) The Settled Land Act, 1882, shall be amended as follows:—

(a.) Any sale, exchange, or lease of land in pursuance of the said Act, when made for the purpose of the erection on such land of dwellings for the working classes, may be made at such price, or for such consideration, or for such rent, as having regard to the said purpose, and to all the circumstances of the case, is the best that can be reasonably obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

(b.) The improvements on which capital money may be expended, enumerated in section twenty-five of the said Act, and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artisans whether employed on the settled land or not, include any dwellings available for the working classes, the building of which in the opinion of the Court is not injurious to the estate.

* See note on s. 8.

(2.) Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of dwellings for the working classes at such price, or for such consideration, or for such rent as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

75. In any contract made after the fourteenth day of August one thousand eight hundred and eighty-five for letting for habitation by persons of the working classes a house or part of a house, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation. In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of a house or part of a house at a rent not exceeding in England the sum named as the limit for the composition of rates by section three of the Poor Rate Assessment and Collection Act, 1869,* and in Scotland or Ireland four pounds. [See *3 Edw. 7, c. 39, s. 12.*]

Condition to be implied on letting houses for the working classes.

76.—(1.) The London County Council may, with the consent of a Secretary of State, at any time appoint one or more legally qualified practitioner or practitioners, with such remuneration as they think fit, for the purpose of carrying into effect any part of this Act.

Medical officer of health in county of London.

(2.) Any medical officer of health appointed by the London County Council, and any officer appointed under this section by the London County Council, shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

77. Any person authorised by the local authority may at all reasonable times of the day, on giving twenty-four hours notice in writing to the occupier of his intention so to do, enter any dwelling-house, premises, or building which the local authority are authorised to purchase compulsorily under Part I. or Part II. of this Act for the purpose of surveying and valuing such dwelling-house, premises, or building.

Power to local authority to enter and value premises.

78. Where a building or any part of a building purchased by the local authority in pursuance of a scheme under Part I. or Part II. of this Act is not closed by a closing order, and is occupied by any tenant whose contract of tenancy is for less than a year, the local authority, if they require him to give up possession of such building or part for the purpose of pulling down the building, may make to the said tenant a reasonable allowance on account of his expenses in removing.

Compensation to tenants for expense of removal.

79.—(1.) Anything which under Part I. or Part II. of this Act is authorised or required to be done by or to a medical officer of health may be done by or to any person authorised to act temporarily as such medical officer of health.

Duties of medical officer of health.

(2.) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

80.—(1.) Separate accounts shall be kept by the local authority and their officers of their receipts and expenditure under each part of this Act.

Accounts and audit.

(2.) Such accounts shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of the local authority are for the time being required to be audited by law. [See, as regards London, 51 & 52 Vict. c. 41, s. 71 (3), and 62 & 63 Vict. c. 14, s. 14.]

81. For the purposes of this Act, a local authority acting under this Act may appoint out of their own number so many persons as they may think fit, for any purposes of this Act which in the opinion of such authority would be better regulated and managed by means of a committee: Provided that a committee so appointed shall in no case be authorised to borrow any money, to make any rate, or to enter into any

Power of local authority to appoint committees.

* *I.e.* £20. See 32 and 33 Vict. c. 41, s. 3.

contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

82. Where a local authority sell any land acquired by them for any of the purposes of this Act, the proceeds of the sale shall be applied for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

83. Any loan advanced by the Public Works Loan Commissioners in pursuance of this Act or for labourers dwellings in pursuance of the Public Works Loans Act, 1875, or any Act amending the same, shall bear such rate of interest not less than three pounds two shillings and sixpence per cent. per annum, as the Treasury may from time to time authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

84. With respect to byelaws authorised by this Act to be made—
(a) sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, where such byelaws are made by the London County Council, or any nuisance authority in the administrative county of London; and

(b) the provisions of the Public Health Act, 1875, relating to byelaws, where such byelaws are made by a sanitary authority, shall apply to such byelaws, and a fine or penalty under any such byelaw may be recovered on summary conviction.

85.—(1.) For the purposes of the execution of their duties under this Act the Local Government Board may cause such local inquiries to be held as the Board see fit, and the costs incurred in relation to any such local inquiry, and to any local inquiry which any other confirming authority holds or causes to be held, including the salary or remuneration of any inspector or officer of or person employed by the Board or confirming authority engaged in the inquiry not exceeding three guineas a day, shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Board or confirming authority may direct, and that Board or authority may certify the amount of the costs incurred, and any sum so certified and directed by that Board or authority to be paid by any local authority or person shall be a debt to the Crown from such local authority or person.

(2.) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Local Government Board or any local inquiry which that Board cause to be held in pursuance of any part of this Act. *See 38 & 39 Vict. c. 55, ss. 293—296 and 298.*

86.—(1.) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy.

(2.) A notice, demand, or other written document proceeding from the local authority under this Act shall be signed by their clerk or his lawful deputy.

87. Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority in relation to carrying into effect the objects or purposes of this Act, or any of them, may be served upon that authority by delivering the same to their clerk, or leaving the same at his office with some person employed there. *[See 3 Edw. 7, c. 39, s. 13 (2).]*

88.—(1.) A person shall not vote as member of a local authority or county council or any committee thereof upon any resolution or question which is proposed or arises in pursuance of Part I. or Part II. of this Act, if it relates to any dwelling-house, building, or land in which he is beneficially interested.

(2.) If any person votes in contravention of this section he shall, on

Application of purchase money.

Rates of loans by Public Works Loan Commissioners.
38 & 39 Vict. c. 89.

Application of certain provisions as to byelaws.
18 & 19 Vict. c. 120.
38 & 39 Vict. c. 55.

Local inquiries.

Orders, notices, etc.

Service of notice, etc. on the local authority.

Prohibition on persons interested voting as members of local authority.

summary conviction, be liable for each offence to a fine not exceeding fifty pounds; but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority or county council.

89. Where any person obstructs the medical officer of health, or any officer of the local authority, or of the confirming authority mentioned in Part I. of this Act, in the performance of anything which such officer or authority is by this Act required or authorised to do, such person shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Penalty for obstructing the execution of Act.

90. Offences under this Act punishable on summary conviction may be prosecuted and fines recovered in manner provided by the Summary Jurisdiction Acts.

Punishment of offences and recovery of fines.

91. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed.

Powers of Act to be cumulative

Provided that a local authority shall not, by reason of any local Act relating to a place within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under any part of this Act.

92. In this Act, unless the context otherwise requires, "district," "local authority," and "local rate," mean respectively the areas, bodies of persons, and rates specified in the table contained in the First Schedule to this Act, but in Part III. of this Act and in reference to any power given by that part, or any act to be done in pursuance thereof shall mean such area, bodies of persons, and rate only in cases where that part of this Act is adopted or being adopted.

Definition of local authority, districts, local rate.

93. In this Act, unless the context otherwise requires—

The expression "land" includes any right over land:

The expression "sanitary district" means the district of a sanitary authority:

The expression "sanitary authority" means an urban sanitary authority or a rural sanitary authority:

The expressions "urban sanitary authority" and "rural sanitary authority" and "contributory place" have respectively the same meanings as in the Public Health Act, 1875:

The expression "superior court" means the Supreme Court.

The expression "county of London," except where specified to be the administrative county of London, means the county of London exclusive of the city of London.

Definitions: "Land."

"Sanitary district."

"Sanitary authority."

"Urban and rural sanitary authority"; "contributory place."

"Superior court."

"County of London."

[*Parts V. and VI. relate to Scotland and Ireland.*]

PART VII.

REPEAL AND TEMPORARY PROVISIONS.

102. The Acts mentioned in the Seventh Schedule to this Act are hereby repealed to the extent in the third column of that schedule specified.

Repeal of Acts.

Provided that:—

- (1.) Where the Labouring Classes Lodging Houses Acts, 1851 to 1885, have been adopted in any district, that adoption shall be deemed to be an adoption of Part III. of this Act, and this Act shall apply accordingly;
- (2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to be appointed under this Act;
- (3.) Any dwelling houses acquired by the local authority under the Artizans Dwellings Acts, 1868 to 1885, and vested in them at the commencement of this Act, shall be held by such local authority as if they had been acquired under the provisions of

Part III. of this Act, and any land or premises other than dwelling houses so acquired and held by them at the commencement of this Act shall be held as if the same had been acquired as a site of an obstructive building in pursuance of Part II. of this Act, but may with the consent of the authority authorised by the said part of this Act to consent to the sale of land so acquired be appropriated for the purposes of Part III. of this Act.

103. [*Temporary provisions. Spent.*]

Sections
54, 92.

SCHEDULES.
FIRST SCHEDULE.
ENGLAND AND WALES.

District.	Local Authority.	Local Rate.
<i>Throughout Act.</i>		
The city of London	The Commissioners of Sewers.*	The sewer rate and the consolidated rate levied by such Commissioners, or either of such rates.
(1.) <i>For the purpose of Parts I. and III.</i>		
The county of London	The County Council of London.†	The county fund and the amount payable shall be deemed to be required for special county purposes.
(2.) <i>For the purposes of Part II.</i>		
A parish other than the parish of Woolwich mentioned in Schedule A. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887.	The vestry elected under the Metropolis Management Act, 1855.‡	The general rate leviable by such vestry† or board‡ under the Metropolis Management Act, 1855.
A district mentioned in Schedule B. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887.	The board of works for the district elected under the Metropolis Management Act, 1855.‡	
Parish of Woolwich	The local board of health.§	The district fund and general district rate.

[*Parts omitted not applicable to London.*]

* Now the Mayor and commonalty and citizens of the city of London. See the City of London Sewers Act 1897, s. 5.
† See also 62 & 63 Vict. c. 14, s. 5 (2).
‡ Now the council of a metropolitan borough. See 62 & 63 Vict. c. 14, s. 4.
§ Now the Council of the Metropolitan Borough of Woolwich. See 62 & 63 Vict. c. 14, s. 19.
|| See 62 & 63 Vict. c. 14, s. 10 (2).

SECOND SCHEDULE.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN Section 20,
ENGLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE AMENDING
THE LANDS CLAUSES ACTS.

Deposit of Maps and Plans.

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers. 1-4, 38 & 39
Vict. c. 36,
Sch.

(2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

Appointment of Arbitrator.

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority, and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same has not been made the subject of agreement.

Proceedings on Arbitration.

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration : that is to say, 45 & 46 Vict.
c. 54, Sch.
(1.) a-f.

"I A.B. do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Housing of the Working Classes Act, 1890.

A.B.

"Made and subscribed in the presence of . . ."

And such declaration shall be annexed to the award when made : and if any arbitrator, having made such declaration wilfully act contrary thereto, he shall be guilty of a misdemeanor.

(6.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars :—

(1.) The appointment of the arbitrator ; and

(2.) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same.

Such publication shall be made not only by advertisement, but also by placards and handbills affixed in conspicuous places on or near the lands to be taken, and also by leaving a notice thereof at each house proposed to be taken, and also by sending a notice thereof by post to the persons interested in such lands as owners or reputed owners, lessees or reputed lessees, so far as they can be reasonably ascertained. 42 & 43 Vict.
c. 63, Sch.
Art. 1.

(7.) In every case in which compensation is payable under Part I. of this Act, by the local authority to any claimant, and which compensation has not been made the subject of agreement (in this Act referred to as "a disputed case"), the arbitrator shall ascertain in such manner as he thinks most convenient the amount of compensation demanded by the claimant, and the amount which the local authority may be willing to pay : and after hearing all such parties interested in each disputed case as may appear before him at a time and place of which notice has been given as in Part I. of this Act mentioned, he shall

proceed to decide on the amount of compensation to which he may consider the claimant to be entitled in each case.

(8.) The arbitrator shall give notice to the claimants in disputed cases by causing such notice to be published or otherwise in such manner as he thinks advisable, of a time and place at which the difference between the claimants and the local authority in disputed cases as to the amount of compensation to be paid will be decided by the arbitrator.

(9.) After the arbitrator has arrived at a decision on all the disputed cases brought before him he shall make an award under his hand and seal, and such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form, but the arbitrator may and, if the local authority request him so to do, shall from time to time make an award respecting a portion only of the disputed cases brought before him.

(10.) Such award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years previous to the claim when the abstract shall commence with such conveyance.

Special Powers of Arbitration.

Power of arbitrator as to apportionment.

42 & 43 Vict. c. 63. Sch. (2).

Amendment respecting severance of properties.

8 & 9 Vict. c. 18.

42 & 43 Vict. c. 63. Sch. (3).

(11.) The arbitrator shall have the same power of apportioning any rent-service, rentcharge, chief or other rent, payment, or incumbrance, or any rent payable in respect of lands comprised in a lease, as two Justices have under the Lands Clauses Consolidation Act, 1845.

(12.) Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building, or manufactory as is proposed to be taken by the local authority can be taken without material damage to such house, building, or manufactory, and if he so determine may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority such part, without the local authority being obliged to purchase the greater part or the whole of such house, building, or manufactory.

The local authority, or any person interested, if dissatisfied with a determination under this enactment, may, in manner provided with respect to appeals to a jury in respect of compensation for land by this Schedule, submit the question of whether the said part can be taken without material damage, as well as the question of the proper amount of compensation, to a jury; and the notice of intention to appeal shall be given within the same time as notice of intention to appeal against the amount of compensation awarded is required to be given.

Omitted interests.

42 & 43 Vict. c. 63. Sch. (4).

(13.) The amount of purchase money or compensation to be paid in pursuance of section one hundred and twenty-four of the Lands Clauses Consolidation Act, 1845, in respect of any estate, right, or interest in or charge affecting any of the scheduled lands which the local authority have through mistake or inadvertence failed or omitted duly to purchase or make compensation for, shall be awarded by the arbitrator and be paid, in like manner, as near as may be, as the same would have been awarded and paid if the claim of such estate, right, interest, or charge had been delivered to the arbitrator before the day fixed for the delivery of statements of claims.

If the arbitrator is satisfied that the failure or omission to purchase the said estate, right, interest, or charge, arose from any default on the part either of the claimant or of the local authority, he may direct the costs to be paid by the party so in default.

Payment of Purchase Money.

(14.) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award. Arts. 14-24.
See 38 & 39
Vict. c. 36.
Sch.

(15.) Every such certificate shall be prepared by and at the cost of the local authority: and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in the High Court, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases: and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any local authority under this Act for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the cost of the local authority.

(20.) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the person making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, "with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of Part I. of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation Act, 1845, as amended by

the Court of Chancery Funds Act, 1872, and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the cost of the local authority.

(23.) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the cost and charge of the local authority, be enforced by any party or parties, by application to the High Court, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

Entry on Lands on making Deposit.

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority: and the arbitrator shall, upon the request of the local authority at any time after he has framed such award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper: and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under Part I. of this Act, shall be had, and payments made, as if such entry and deposit had not been made:

Provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of Part I. of this Act, such compensation is required to be paid into the Bank of England, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the bank in similar cases, or to such account as may be directed by any order of the High Court, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank Annuities or Government securities, and accumulated: and upon such payment as aforesaid by the local authority it shall be lawful for the High Court, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

Appeal.

(26.) In the following cases, namely,—

- (a.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under Part I. of this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds one thousand pounds, and
- (b.) Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds one thousand pounds; also
- (c.) Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of Part I. of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of one thousand pounds:

the party dissatisfied may, upon obtaining the leave of the High Court, which leave may be granted by such court or any judge thereof at chambers in a summary manner, and upon being satisfied that a failure of justice will take place if the leave is not granted, submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

- (1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate;
- (2.) Where moneys have been paid into court, at the date of the payment into court;
- (3.) Where the local authority appeals, at the date of the making of the award.

(27.) Where a notice has been given under Part I. of this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except sections forty-seven and fifty-one: Provided also, that—

- (1.) Where the local authority appeals that authority shall be deemed to be the plaintiff and the party entitled to compensation to be the defendant; and
- (2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues tried in the High Court: but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial to be taxed and ascertained in manner aforesaid.
- (3.) Where the local authority is the appellant,—
 - (a.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct: and
 - (b.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.
 - (c.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

Costs of Arbitration.

(28.) The salary or remuneration, travelling, and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of Part I. of this Act into execution, shall, after the amount thereof shall have been certified under

See 45 & 46
Vict. c. 54,
Sch. (G).

8 & 9 Vict.
c. 18.

See 45 & 46
Vict. c. 54,
Sch. (H).

this article, be paid by the local authority: and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges and expenses by or on behalf of the local authority: and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly.

Further, any such certificate may be made a rule of a superior court on the application of any party named therein, and may be enforced accordingly.

(29.)—(1.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority:

Provided that—

(a.) The arbitrator shall not be required to certify the amount of costs in any case where he considers such costs are not properly payable by the local authority:

(b.) The arbitrator shall not be required to certify the amount of costs incurred by any party in relation to the arbitration, in any case where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator.

(c.) No certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of the claim before the appointment of the arbitrator.

(2.) If within seven days after demand the amount certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per annum for any time during which the same remains unpaid after such seven days as aforesaid.

Miscellaneous.

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of Part I. of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under Part I. of this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of Part I. of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed: and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the *London Gazette*.

(32.) All notices required by this Schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no other form of service is prescribed all notices required to be served or given by the local authority under this Schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by Part I. of this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

[Parts omitted relate to the application of this Schedule to Scotland and Ireland.]

See
45 & 46 Vict.
c. 54, sch. (1).

THIRD SCHEDULE.

ENACTMENTS APPLIED FOR THE PURPOSE OF PROCEEDINGS FOR CLOSING
PREMISES IN ENGLAND, SCOTLAND, AND IRELAND RESPECTIVELY.Sections 29,
32.

ENGLAND.

Administrative County of London.

*SANITARY ACT, 1866 (Section 21).

29 & 30 Vict.
c. 90.

*NUISANCES REMOVAL ACT, 1855 (Sections 8, 12, and 13).

18 & 19 Vict.
c. 121.

*SANITARY ACT, 1866 (Section 21).

s. 21. The nuisance authority . . . shall, previous to taking proceedings before a Justice under the twelfth section of the Nuisances Removal Act, 1855,* serve a notice . . . on the owner or occupier of the premises on which the nuisance arises, to abate the same, and for that purpose to execute such works, and to do all such things as may be necessary within a time to be specified in the notice: Provided,

As to proceed-
ings of
the nuisance
authority
under s. 12 of
18 & 19 Vict.
c. 121.

First, that where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

*NUISANCES REMOVAL ACT, 1855 (Sections 8, 12, and 13).

s. 8. The word nuisances under this Act shall include—

Any premises in such a state as to be a nuisance or injurious to health

s. 12. In any case where a nuisance is so ascertained by the local authority to exist, or where the nuisance in their opinion did exist at the time when the notice was given, and, although the same may have been since removed or discontinued, is, in their opinion, likely to recur or to be repeated on the same premises or any part thereof, they shall cause complaint thereof to be made before a Justice of the Peace, and such Justice shall thereupon issue a summons requiring . . . the owner or occupier of the premises on which the nuisance arises, to appear before any two Justices, in petty sessions assembled, at their usual place of meeting, who shall proceed to inquire into the said complaint: . . .

Proceedings
by local
authority
before
Justices in
case of
nuisances
likely to
recur, etc.

s. 13. . . . and if the nuisance proved to exist be such as to render a house or building, in the judgment of the Justices, unfit for human habitation, they may prohibit the using thereof for that purpose until it is rendered fit for that purpose in the judgment of the Justices, and on their being satisfied that it has been rendered fit for such purpose, they may determine their previous order by another declaring such house habitable, from the date of which other order such house may be let or inhabited.

[Parts omitted relate to enactments applied for places other than London.]

† FOURTH SCHEDULE.

Section 32.

FORMS.

FORM A.

Form of Notice requiring Premises to be made fit for Habitation.

To [person causing the premises to be unfit for habitation, or owner or occupier of the premises, as the case may be].

Take notice that under the provisions of the Public Health Act, 1875,† and the Housing of the Working Classes Act, 1890, the [describe the local authority], being satisfied that the following premises, that is to say [describe premises or place where the nuisance exists], are in a state so dangerous or injurious to health as to be unfit for human habitation, do hereby require you within

from the service of this notice to make the said premises fit for human habitation.

If you make default in complying with the requisitions of this notice proceedings will be taken before a court of summary jurisdiction for prohibiting the use of the premises for human habitation.

Dated this day of 18 .

Signature of officer }
of local authority }

* The Sanitary Act 1866 (except s. 41) and the Nuisances Removal Act 1855 have been repealed (except as to London) by 38 & 39 Vict. c. 55, and as to London by 51 & 55 Vict. s. 76, and this Schedule must be read as regards London as if the corresponding sections of 54 & 55 Vict. c. 76—viz. ss. 2, 4, 5, and 6—were here referred to instead of these repealed provisions. See *ibid.* s. 142, and the Interpretation Act 1893, s. 38 (1).

† See 3 Edw. 7, c. 39, s. 8 (2).

‡ Semble as regards London the Public Health (London) Act 1891.

FORM B.

Form of Summons for Closing Order.

To the owner or occupier of [describe premises,] situate at [insert such a description as may be sufficient to identify the premises].

County of [or borough
of , or district
of , or as the
case may be] to wit. } You are required to appear before [describe the court
of summary jurisdiction] at the petty sessions [or court]
holden at on the day
of next, at the hour of in the
noon, to answer the complaint this day made to me by
that the premises above mentioned are used as a dwelling-house and are in a
state so dangerous or injurious to health as to be unfit for human habitation.
Given under my hand and seal this day of 18 .

FORM C.

Form of Closing Order.

To the owner [or occupier] of [describe the premises] situated [give such description as may be sufficient to identify the premises].

County of [or borough, etc. of
or district of
or as the case may be]. } WHEREAS on the day of
complaint was made before . Esquire,
one of Her Majesty's Justices of the Peace acting in
and for the county [or other jurisdiction] stated in the
margin, [or as the case may be.] by
that certain premises situated at in the district under the
Public Health Act, 1875,* of [describe the local authority], were in a state so
dangerous or injurious to health as to be unfit for human habitation:

And whereas the owner [or occupier] within the
meaning of the said Public Health Act, 1875,* hath this day appeared before us
[(or me) describing the court], to answer the matter of the said complaint [or in
case the party charged do not appear, says,] and whereas it hath been this day
proved to our (or my) satisfaction that a true copy of a summons requiring
the owner [or occupier] of the said premises [or the said A.B.] to appear this
day before us [or me] hath been duly served
according to the said Act and the Housing of the Working Classes Act, 1890 :

Now on proof here had before us [or me] that the said premises are in a
state so dangerous or injurious to health as to be unfit for human habitation,
we [or I], in pursuance of the said Acts, do prohibit the using of the premises
for the purpose of human habitation until in our [or my] judgment they are
rendered fit for that purpose.

Given under the hands and seals of us [or the hand and seal of me,
describing the court].

This day of 18
J.S. (L.S.)
J.P. (L.S.)

FIFTH SCHEDULE.

FORM MARKED A.

Section 36. *The Housing of the Working Classes Act, 1890.*

County of
Parish of
No.

Charging Order.

Insert description
of local
authority.

The being the local authority under the
above-mentioned Act, do, by this Order under their hands and seal, charge the
inheritance or fee of the premises mentioned in the Schedule hereto with the
payment to of the sum of pounds
payable yearly on the day of for the term of
years, and being in consideration of an expenditure of
pounds incurred by him in respect of the said premises.

FORM MARKED B.

Section 37. *Form of Assignment of Charge. To be endorsed on Charging Order.*

Insert description
of premises
charged.

Dated the day of
I, the within-named , in pursuance
of the Housing of the Working Classes Act, 1890, and in consideration of
pounds this day paid to me, hereby assign to
the within-mentioned charge.

(Signed)

* Semble, as regards London, the Public Health (London) Act 1891.

SIXTH SCHEDULE.

BYELAWS TO BE MADE IN ALL CASES (EXCEPT WHERE A LODGING HOUSE IS USED AS A SEPARATE DWELLING).

For securing that the lodging houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority.

For securing the due separation at night of men and boys above eight years old from women and girls.

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances.

For determining the duties of the officers, servants, and others appointed by the local authority.

SEVENTH SCHEDULE.

ENACTMENTS REPEALED.

Section 102.

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Vict. c. 34.	The Labouring Classes Lodging Houses Act, 1851.	The whole Act.
29 & 30 Vict. c. 28.	The Labouring Classes Dwelling Houses Act, 1866.	The whole Act.
30 & 31 Vict. c. 28.	The Labouring Classes Dwelling Houses Act, 1867.	The whole Act.
31 & 32 Vict. c. 130.	The Artizans and Labourers Dwellings Act, 1868.	The whole Act.
38 & 39 Vict. c. 36.	The Artizans and Labourers Dwellings Improvement Act, 1875.	The whole Act.
42 & 43 Vict. c. 63.	The Artizans and Labourers Dwellings Improvement Act, 1879.	The whole Act.
42 & 43 Vict. c. 64.	The Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.	The whole Act.
42 & 43 Vict. c. 77.	The Public Works Loans Act, 1879.	Section six.
43 Vict. c. 8.	An Act to explain and amend the twenty-second section of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.	The whole Act.
45 & 46 Vict. c. 54.	The Artizans Dwellings Act, 1882.	The whole Act.
48 & 49 Vict. c. 72.	The Housing of the Working Classes Act, 1885.	The whole Act except sections three and seven to nine, and except section ten so far as it relates to byelaws authorised by these sections.*

[Parts of the Schedule omitted relate to Acts applicable only to Scotland or Ireland.]

* Semble that these unrepealed sections are not of practical importance as regards London.

s. 3 is local and personal.

s. 7 and subsection (6) of s. 9 are repealed as regards London by 54 & 55 Vict. c. 76. The remainder of s. 9 is in words practically identical with s. 95 of 54 & 55 Vict. c. 76.

s. 8 is as follows: "8. Every sanitary authority shall have power to make byelaws, for the matters specified in section ninety of the Public Health Act, 1875."

s. 90 of the Public Health Act 1875 is in words practically identical with s. 94 of 54 & 55 Vict. s. 76.

s. 10 applies, as regards London, the provisions of ss. 202 and 203 of 18 & 19 Vict. c. 120, to byelaws authorised to be made by 48 & 49 Vict. c. 72.

54 & 55 VICTORIA. A.D. 1891.**CHAPTER 63.**

AN ACT TO CONFER FURTHER POWERS ON COUNTY COUNCILS AND OTHER AUTHORITIES WITH RESPECT TO MAIN ROADS AND OTHER HIGHWAYS AND BRIDGES. [5th August 1891.]

Short title.

1. This Act may be cited as the Highways and Bridges Act, 1891.

Extent of Act.

2. This Act shall not apply to Scotland or Ireland or the county of London. [See 59 & 60 Vict. c. clxxxviii. s. 31.]

3. [As to agreements between highway authorities for construction and improvement of roads and bridges.]

Power to reduce main road to status of ordinary highway.
41 & 42 Vict. c. 77.

4. Section sixteen of the Highways and Locomotives Amendment Act, 1878, shall apply to any part of a main road in any county, and so much of such section as requires that any order made thereunder shall be provisional, and shall be confirmed as in the said Act mentioned, is hereby repealed, but no such order shall be made in respect of any main road within a municipal borough without the assent of the council of the said borough having been first obtained.

5. [This section is noted in extenso on s. 12 of 45 & 46 Vict. c. 50 q.v.]

CHAPTER 68.

AN ACT TO ALTER THE DATE OF HOLDING COUNTY COUNCIL ELECTIONS, AND TO REMOVE DOUBTS RESPECTING THE HOLDING OF SUCH ELECTIONS. [5th August 1891.]

Change of date of elections

1.—(1.) The ordinary day of election of county councillors in each county shall be such day between the first and eighth day of March as the county council may fix, and, if no date is so fixed, shall be the eighth day of March.

(2.) The ordinary day of retirement of county councillors shall be the eighth day of March in every third year, and on that day the county councillors then in office shall retire together, and their places shall be filled by the newly-elected councillors, who shall come into office on that day. [See 51 & 52 Vict. c. 41, s. 2 (2) (d).]

(3.) The sixteenth day of March or such other day within ten days after the ordinary day of retirement of county councillors as the council of any county may from time to time fix for that county, shall, in substitution for the ninth day of November, be the ordinary day of election of the chairman, and of the aldermen. . . . [Part omitted (as to quarterly meetings) not applicable to the London County Council. See also 63 & 64 Vict. c. 13, s. 2.]

(4.) All periods which, in the enactments of the Municipal Corporations Act, 1882, are computed by reference to the first or ninth day of November shall, so far as those enactments apply to county councils, be computed by reference to such of the above-mentioned days then next following as the case requires.

The ordinary day of election of councillors shall be fixed by the county council not less than six weeks before the ordinary day of retirement of county councillors.

Nothing shall authorise or require a returning officer to hold an election of a county councillor to fill a casual vacancy which occurs within six months before the ordinary day of retirement of county councillors.

County registers.

2.—(1.) The county register shall be completed before the twentieth day of December in every year and come into operation on the next first day of January.

(2.) The burgess lists forming the burgess roll, which comes into operation on the first day of November in every year, shall on and after that day until the next first day of January form part of the county register in substitution for the former burgess lists. [See 45 & 46 Vict. c. 50, s. 45 (2).]

3. [Removal of doubts and amendment of the law relating to the election of county councillors in municipal boroughs. Not applicable to London.]

4. [Transitory provisions as to the term of office of the chairmen and vice-chairmen of county councils, and the deputy chairman of the London County Council, county aldermen, county councillors, and committees whose term of office will expire in November 1891. Spent.]

5. The declaration required under sections thirty-four and thirty-five of the Municipal Corporations Act, 1882, to be made by a person elected to a corporate office in a county may be made at any time within three months after notice of the election, and such declaration may be made either in the manner prescribed by the Local Government Act, 1888, or before any Justice of the Peace or commissioner to administer oaths in the Supreme Court of Judicature.

6. It is hereby declared that a person shall not be disqualified, nor be deemed ever to have been disqualified, under section twelve of the Municipal Corporations Act, 1882, for being a member of a county council by reason only of his being appointed returning officer by that council, except where he has directly or indirectly by himself or his partner received any profit or remuneration in respect of such appointment.

7. The Act specified in the Schedule to this Act is hereby repealed to the extent in the third column of that Schedule mentioned.

8. This Act may be cited as the County Councils (Elections) Act, 1891, and shall be construed as one with the Local Government Act, 1888.

SCHEDULE. [Repeal of sub-ss. (1), (6), (9), (13), and of par. (d) of sub-s. (16) of s. 75 of 51 & 52 Vict. c. 41.]

55 & 56 VICTORIA. A.D. 1892.

CHAPTER CXXX.

AN ACT WITH RESPECT TO THE SUPPLY OF WATER IN LONDON AND THE NEIGHBOURHOOD.

[27th June 1892.]

[Preamble.]

1. This Act may be cited as the London Water Act 1892.

Short title.

2. The London County Council shall have power from time to time to pay the costs and expenses of promoting Bills in Parliament relating to the supply of water in the administrative county of London and within the limits of supply of the metropolitan water companies :

Powers for introduction of Bills in Parliament.

"The metropolitan water companies" * mean and include the several companies mentioned in the Schedule to this Act.

3. The London County Council shall have power to make inquiries as to the existing supply of water within the metropolitan water area and the charges made for the same and as to the possible sources of supply and may from time to time pay the costs and expenses of such inquiries and of any costs incurred by them in inquiries before Royal Commissions or otherwise to an extent not exceeding ten thousand pounds in addition to the sum which the Council were authorised to pay for similar purposes by section 38 of the London Council (General Powers) Act 1890 :

Powers to make inquiries.

"The metropolitan water area" means the whole of the area within which any of the metropolitan water companies * have powers of supply.

4. All costs and expenses of the London County Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888. . . . [Part omitted (as to expenses of obtaining this Act) spent.]

Payments under this Act.

* See 2 Edw. 7, c. 41.

SCHEDULE referred to in the foregoing Act.

The Governor and Company of the New River brought from Chadwell and Amwell to London :

The East London Waterworks Company :

The Southwark and Vauxhall Water Company :

The Company of Proprietors of the West Middlesex Waterworks :

The Company of Proprietors of Lambeth Waterworks :

The Governor and Company of Chelsea Waterworks :

The Grand Junction Waterworks Company :

The Company of Proprietors of the Kent Waterworks.

56 & 57 VICTORIA. A.D. 1893.

CHAPTER 61.

AN ACT TO GENERALIZE AND AMEND CERTAIN STATUTORY PROVISIONS FOR THE PROTECTION OF PERSONS ACTING IN THE EXECUTION OF STATUTORY AND OTHER PUBLIC DUTIES. [5th December 1893.]

Protection of persons acting in execution of statutory or other public duty.

1. Where after the commencement of this Act any action, prosecution, or other proceeding is commenced in the United Kingdom against any person for any act done in pursuance, or execution, or intended execution of any Act of Parliament, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Act, duty, or authority, the following provisions shall have effect :

(a.) The action, prosecution, or proceeding shall not lie or be instituted unless it is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof :

(b.) Wherever in any such action a judgment is obtained by the defendant, it shall carry costs to be taxed as between solicitor and client :

(c.) Where the proceeding is an action for damages, tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or payment; but this provision shall not affect costs on any injunction in the action :

(d.) If, in the opinion of the court, the plaintiff has not given the defendant a sufficient opportunity of tendering amends before the commencement of the proceeding the court may award to the defendant costs to be taxed as between solicitor and client.

This section shall not affect any proceedings by any department of the Government against any local authority or officer of a local authority.

Repeal.

2. There shall be repealed as to the United Kingdom so much of any public general Act as enacts that in any proceeding to which this Act applies—

(a.) the proceeding is to be commenced in any particular place ; or

(b.) the proceeding is to be commenced within any particular time ; or

(c.) notice of action is to be given ; or

(d.) the defendant is to be entitled to any particular kind or amount of costs, or the plaintiff is to be deprived of costs in any specified event ; or

(e.) the defendant may plead the general issue ;

and in particular there shall be so repealed the enactments specified in the Schedule to this Act to the extent in that Schedule mentioned.

This repeal shall not affect any proceeding pending at the commencement of this Act.

3. [*Saving as to Scotland.*]

4. [*Commencement of Act 1st January 1894.*]

5. This Act may be cited as the Public Authorities Protection Act, 1893. Short title.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.
1 & 2 Will. 4. c. 22. in part.	The London Hackney Carriage Act, 1831— in part; namely,— Section seventy-three.
2 & 3 Vict. c. 71. in part.	The Metropolitan Police Courts Act, 1839— in part; namely,— Section fifty-three.
6 & 7 Vict. c. 86. in part.	The London Hackney Carriages Act, 1843— in part; namely,— Section forty-seven.
25 & 26 Vict. c. 102. in part.	The Metropolis Management Amendment Act, 1862— in part; namely,— Section one hundred and six.

[*The parts of the Schedule which are omitted relate to Acts not referred to in this work.*]

56 & 57 VICTORIA. A.D. 1894.

CHAPTER 73.

AN ACT TO MAKE FURTHER PROVISION FOR LOCAL GOVERNMENT IN ENGLAND AND WALES. [5th March 1894.]

PART I.

PARISH MEETINGS AND PARISH COUNCILS.

*Powers and Duties of Parish Councils and Parish Meetings.**

5. [*Power of appointing overseers and of appointing and revoking appointment of assistant overseer to be vested in the parish council—Churchwardens of rural parish to cease to be overseers—As to references in Acts to churchwardens and overseers—Legal interest in property vested in overseers or churchwardens and overseers except property connected with the affairs of the church or held for an ecclesiastical charity to vest in parish council. Superseded, as regards London, by 62 & 63 Vict. c. 14, ss. 11 and 23.*]

6.—(1.) Upon the parish council of a rural parish coming into office, there shall be transferred to that council:—

- (a.) [*The powers, duties, and liabilities of the vestry of the parish except (i.) so far as relates to the affairs of the church or to ecclesiastical charities; and (ii.) any power, duty, or liability transferred by this Act from the vestry to any other authority. Semble superseded as regards London. See 18 & 19 Vict. c. 120, ss. 8, 90, and 91; 19 & 20 Vict. c. 112, ss. 1—3; and 62 & 63 Vict. c. 14, s. 23.*]

* See s. 33.

(b.) [As to certain powers, duties, and liabilities of the churchwardens. Superseded, as regards London, by 62 & 63 Vict. c. 14, s. 23 (3).]

(c.) The powers, duties, and liabilities of the overseers or of the churchwardens and overseers of the parish with respect to—

(i) appeals or objections by them in respect of the valuation list, or appeals in respect of the poor rate, or county rate, or the basis of the county rate; and

(ii.) the provision of parish books and of a vestry room or parochial office, parish chest, fire engine, fire escape, or matters relating thereto; [see 18 & 19 Vict. c. 120, s. 66 and note thereon, and 28 & 29 Vict. c. 90, s. 4] and

(iii.) the holding or management of parish property, not being property relating to affairs of the church or held for an ecclesiastical charity, and the holding or management of village greens, or of allotments, whether for recreation grounds or for gardens or otherwise for the benefit of the inhabitants or any of them;

(d.) The powers exercisable with the approval of the Local Government Board by the board of guardians for the poor law union comprising the parish in respect of the sale, exchange, or letting of any parish property. [See 18 & 19 Vict. c. 120, s. 154, and 62 & 63 Vict. c. 14, s. 6 (5).]

(2.) [The parish council to have the same power of making any complaint or representation as to unhealthy dwellings or obstructive buildings as is conferred on inhabitant householders by the Housing of the Working Classes Act 1890, but without prejudice to the powers of such householders. *Seem inapplicable to London, the metropolitan borough councils being the local authority under that part of the 1890 Act.*]

(3.) A parish council shall have the same power of making a representation with respect to allotments, and of applying for the election of allotment managers, as is conferred on parliamentary electors by the Allotments Act, 1887, or the Allotments Act, 1890, but without prejudice to the powers of those electors.

(4.) Where any Act constitutes any persons wardens for allotments, or authorises or requires the appointment or election of any wardens committee or managers for the purpose of allotments, then, after a parish council for the parish interested in such allotments comes into office, the powers and duties of the wardens, committee, or managers shall be exercised and performed by the parish council, and it shall not be necessary to make the said appointment or to hold the said election, and for the purpose of section sixteen of the Small Holdings Act, 1892, two members of the parish council shall be substituted for allotment managers or persons appointed as allotment managers.

50 & 51 Vict.
c. 48.
53 & 54 Vict.
c. 65.

55 & 56 Vict.
c. 31.

Transfer of
powers
under
adoptive
Acts.

3 & 4 Will. 4. c. 90.
9 & 10 Vict. c. 74.
45 & 46 Vict. c. 39.
15 & 16 Vict. c. 85.
45 & 49 Vict. c. 21.
23 & 24 Vict. c. 39.
55 & 56 Vict. c. 53.

7.—(1.) As from the appointed day, in every rural parish the parish meeting shall, exclusively, have the power of adopting any of the following Acts, inclusive of any Acts amending the same (all which Acts are in this Act referred to as “the adoptive Acts”); namely,—

(a.) The Lighting and Watching Act, 1833; *

(b.) The Baths and Washhouses Acts, 1846 to 1882; †

(c.) The Burial Acts, 1852 to 1885; ‡

(d.) The Public Improvements Act, 1860; §

(e.) The Public Libraries Act, 1892; ¶

(2.) Where under any of the said Acts a particular majority is required for the adoption or abandonment of the Act, or for any matter under such Act, the like majority of the parish meeting or, if a poll is taken, of the parochial electors, shall be required, and where under any of the said Acts

* See 18 & 19 Vict. c. 120, ss. 90, 130, and 158; and 62 & 63 Vict. c. 14, s. 10.

† See 62 & 63 Vict. c. 14, ss. 4 (2) and (4) and 34.

‡ See 18 & 19 Vict. c. 120, s. 114, and other improvement provisions there referred to, which make this Act of no practical importance as regards London.

the opinion of the voters is to be ascertained by voting papers, the opinion of the parochial electors shall be ascertained by a poll taken in manner provided by this Act. [See 62 & 63 Vict. c. 14, s. 4 (2) and (4).]

(3.)—(5.) [*Provision for cases where the consent of, or other act on the part of, the vestry of a rural parish is required in relation to any expense or rate; that where there is power to adopt any of the adoptive Acts for a part only of a rural parish they may be adopted at parish meetings held for that part; and that where the area of an existing authority executing any of the adoptive Acts is co-extensive with the parish, its powers, duties, and liabilities shall be transferred to the parish council. Not applicable to London.*]

(6.) This Act shall not alter the incidence of charge of any rate levied to defray expenses incurred under any of the adoptive Acts, and any such rate shall be made and charged as heretofore, and any property applicable to the payment of such expenses shall continue to be so applicable.

(7.) [*When any of the adoptive Acts is adopted for the whole or part of a rural parish after the appointed day, the parish council (if any) to be the authority for the execution thereof.*]

(8.) For the purposes of this Act the passing of a resolution to provide a burial ground under the Burial Acts, 1852 to 1885, shall be deemed an adoption of those Acts.

8.* [*Additional powers of parish council.*]

9.† [*Incorporation of the Lands Clauses Acts (except the provisions as to taking lands by agreement and applying s. 178 of the Public Health Act 1875 as if a parish council were named therein), and enabling the county council on the application of the parish council when unable to acquire suitable land by agreement on reasonable terms for any purpose for which they are authorised to acquire it to make an order authorising the parish council to put in force such provisions.*]

10. [*As to the power of the parish council to hire land for allotments.*]

PART II.

GUARDIANS \pm AND DISTRICT COUNCILS.

20. As from the appointed day the following provisions shall apply to boards of guardians:—

Election and
qualification
of guardians

(1.) There shall be no ex-officio or nominated guardians:

(2.) A person shall not be qualified to be elected or to be a guardian for a poor law union unless he is a parochial elector of some parish within the union, or has during the whole of the twelve months preceding the election resided in the union, or in the case of a guardian for a parish wholly or partly situate within the area of a borough, whether a county borough or not, is qualified to be elected a councillor for that borough, and no person shall be disqualified by sex or marriage for being elected or being a guardian. So much of any enactment, whether in a public general or local and personal Act, as relates to the qualification of a guardian shall be repealed:

(3.) The parochial electors of a parish shall be the electors of the guardians for the parish, and, if the parish is divided into wards for the election of guardians, the electors of the guardians for each ward shall be such of the parochial electors as are registered in respect of qualifications within the ward:

* These powers are not of much importance as regards London, which has special powers on practically all the matters enumerated in this section.

† This section is not set out in full as it is but of small practical importance in London. See 57 Geo. 3, c. xxix. ss. 80—96; 18 & 19 Vict. c. 120, s. 151—152; 51 & 52 Vict. c. 41, s. 65; 54 & 55 Vict. c. 76, s. 99 (3); 62 & 63 Vict. c. 14, s. 5 (2); and the Public Health Act 1875, ss. 176—178.

‡ See s. 30.

- (4.) Each elector may give one vote and no more for each of any number of persons not exceeding the number to be elected :
- (5.) The election shall, subject to the provisions of this Act, be conducted according to rules framed under this Act by the Local Government Board :
- (6.) The term of office of a guardian shall be three years, and one third, as nearly as may be, of every board of guardians shall go out of office on the fifteenth day of April in each year, and their places shall be filled by the newly elected guardians. Provided as follows :—
 - (a.) Where the county council on the application of the board of guardians of any union in their county consider that it would be expedient to provide for the simultaneous retirement of the whole of the board of guardians for the union, they may direct that the members of the board of guardians for that union shall retire together on the fifteenth day of April in every third year, and such order shall have full effect, and where a union is in more than one county, an order may be made by a joint committee of the councils of those counties * ;
 - (b.) Where at the passing of this Act the whole of the guardians of any union, in pursuance of an order of the Local Government Board, retire together at the end of every third year, they shall continue so to retire, unless the county council, or a joint committee of the county councils, on the application of the board of guardians or of any district council of a district wholly or partially within the union, otherwise direct :
- (7.) A board of guardians may elect a chairman or vice-chairman, or both, and not more than two other persons, from outside their own body, but from persons qualified to be guardians of the union, and any person so elected shall be an additional guardian and member of the board. Provided that on the first election, if a sufficient number of persons who have been ex-officio or nominated guardians of the union, and have actually served as such, are willing to serve, the additional members shall be elected from among those persons.

Names of
county
districts and
district
councils.

21. As from the appointed day,—

- (1.) Urban sanitary authorities shall be called urban district councils, and their districts shall be called urban districts ; but nothing in this section shall alter the style or title of the corporation or council of a borough :
- (2.) For every rural sanitary district there shall be a rural district council whose district shall be called a rural district :
- (3.) In this and every other Act of Parliament, unless the context otherwise requires, the expression “district council” shall include the council of every urban district, whether a borough or not, and of every rural district, and the expression “county district” shall include every urban and rural district whether a borough or not.

22. [The chairman of a district council to be a Justice by virtue of his office.]

23.† As from the appointed day, where an urban district is not a borough—

- (1.) There shall be no ex-officio or nominated members of the urban sanitary authority :
- (2.) A person shall not be qualified to be elected or to be a councillor unless he is a parochial elector of some parish within the district,

Constitution
of district
councils in
urban
districts not
being
boroughs.

* Orders directing that the members of the boards of guardians in London shall retire together on the 15th April in every third year were made by the Council. See the L.C.C. Minutes, 28th May 1895, p. 516.

† See s. 31.

or has during the whole of the twelve months preceding the election resided in the district, and no person shall be disqualified by sex or marriage for being elected or being a councillor. So much of any enactment whether in a public general or local and personal Act as relates to the qualification of a member of an urban sanitary authority shall be repealed [see s. 75 (2), and 62 & 63 *Vict. c. 14, s. 2* (1)]:

- (3.) The parochial electors of the parishes in the district shall be the electors of the councillors of the district, and, if the district is divided into wards, the electors of the councillors for each ward shall be such of the parochial electors as are registered in respect of qualifications within the ward:
- (4.) Each elector may give one vote and no more for each of any number of persons not exceeding the number to be elected:
- (5.) The election shall, subject to the provisions of this Act, be conducted according to rules framed under this Act by the Local Government Board [see also s. 48]:
- [(6.) *The term of office of councillors to be 3 years, and one-third to go out of office on the 15th April in each year. Not applicable to London.**]

30. The provisions of this part of this Act respecting guardians shall apply to the administrative county of London and to every county borough.

31.—(1.) The provisions of this Act with respect to the qualification of the electors of urban district councillors, and of the persons to be elected, and with respect to the mode of conducting the election, shall apply as if members of . . . the vestries* elected under the Metropolis Management Acts, 1855 to 1890, or any Act amending those Acts, . . . were urban district councillors. . . . Provided that the Elections (Hours of Poll) Act, 1885, shall apply to elections to the said vestries.* [Parts omitted rep. 45 *Vict. c. 10, 62 & 63 *Vict. c. 14, s. 35.**]

[(2.) *As to the election of chairman. Rep. 62 & 63 *Vict. c. 14, s. 35.* See *ibid. s. 2* (4); 51 & 52 *Vict. c. 41, s. 2* (1); and the *Municipal Corporations Act 1882, s. 61.*]*

(3.) Nothing in any local and personal Act shall prevent any vestry† in the county of London from holding their meeting at such time as may be directed by the vestry.

33.—(1.) The Local Government Board may, on the application of the council of any municipal borough, including a county borough, or of any other urban district, make an order conferring on that council or some

Guardians in London and county boroughs. Provisions as to London vestries and district boards.

Power to apply certain provisions of

* The term of office of metropolitan borough councillors is regulated by 62 & 63 *Vict. c. 14, s. 2* (5), and by 18 & 19 *Vict. c. 120, s. 9*, which is as follows: "9. *One-third of the vestrymen first elected under this Act in any parish, or where such parish is divided into wards under this Act, in each ward of such parish, shall go out of office at the time appointed for the election of vestrymen in the year one thousand eight hundred and fifty-seven, one other third of them at the time appointed for such election in the year one thousand eight hundred and fifty-eight, and the remaining third at the time appointed for such election in the year one thousand eight hundred and fifty-nine; and the vestry shall, at some meeting before the time of the election in one thousand eight hundred and fifty-seven, determine by lot which of the members first elected shall constitute the one-third to go out of office in the years one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight respectively; and all members from time to time elected at the annual elections after the first election shall go out of office at the time appointed for the annual election in the third following year, except such members as are elected to supply vacancies occasioned otherwise than by effluxion of time; and such last-mentioned members shall go out of office at the respective times when the terms of office of the members in whose places they are respectively elected would have expired by effluxion of time.*" The words in italics are rep. by 38 & 39 *Vict. c. 66* (S.L.R.) and 55 & 56 *Vict. c. 19* (S.L.R.). By an Order of the Local Government Board dated 14th June 1901 made under 62 & 63 *Vict. c. 14, s. 2* (8), it is directed that the whole of the councillors of the metropolitan boroughs shall retire together on the ordinary day of election in every third year.

† Now the councils of the metropolitan boroughs. See 62 & 63 *Vict. c. 14, s. 1.*

Act to urban
districts and
London.

other representative body within the borough or district all or any of the following matters, namely, the appointment of overseers* and assistant overseers, the revocation of appointment of assistant overseers, any powers, duties, or liabilities of overseers,* and any powers, duties, or liabilities of a parish council, and applying with the necessary modifications the provisions of this Act with reference thereto. [See 62 & 63 Vict. c. 14, s. 16 (1) (c).]

(2.) Where it appears to the Local Government Board that, by reason of the circumstances connected with any parish in a municipal borough (including a county borough) or other urban district divided into wards, or with the parochial charities of that parish, the parish will not, if the majority of the body of trustees administering the charity are appointed by the council of the borough or district, be properly represented on that body, they may, by their order, provide that such of those trustees as are appointed by the council, or some of them, shall be appointed on the nomination of the councillors elected for the ward or wards comprising such parish or any part of the parish.

(3.) Any order under this section may provide for its operation extending either to the whole or to specified parts of the area of the borough or urban district, and may make such provisions as seem necessary for carrying the order into effect.

(4.) The order shall not alter the incidence of any rate, and shall make such provisions as may seem necessary and just for the preservation of the existing interests of paid officers.

(5.) An order under this section may also be made on the application of any representative body within a borough or district.

(6.) The provisions of this section respecting councils of urban districts shall apply to the administrative county of London in like manner as if the district of each sanitary authority in that county were an urban district, and the sanitary authority were the council of that district. [See 54 & 55 Vict. c. 76, s. 99, and 62 & 63 Vict. c. 14, s. 23.]

(7.) The Local Government Board shall consult the Charity Commissioners before making any order under this section with respect to any charity.

Restrictions
on applica-
tion of Act
to London,
etc.

35. Save as specially provided by this Act, this part of this Act shall not apply to the administrative county of London or to a county borough.

PART III.

AREAS AND BOUNDARIES.

36. [Powers enabling County Councils, with the consent in certain cases of the Local Government Board, to make various alterations with respect to parishes, poor law unions and other areas and the boundaries thereof, and provision (sub-s. 13) that County Councils shall within 2 years after the passing of the Act, or such further time as the Local Government Board shall allow, make such orders under this section as they deem necessary for the purpose of bringing the Act into operation, and for the transfer, after such 2 years or further period, of such powers to the Local Government Board.]

Reduction of
time for
appealing
against
county
council
orders.

41. The time for petitioning against an order under section fifty-seven of the Local Government Act, 1888, shall be six weeks instead of three months after the notice referred to in subsection three of that section.

42. When an order under section fifty-seven of the Local Government Act, 1888, has been confirmed by the Local Government Board, such order

* See 62 & 63 Vict. c. 14, s. 11.

shall at the expiration of six months from that confirmation be presumed to have been duly made, and to be within the powers of that section, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Validity of
county
council
orders.

PART IV.

SUPPLEMENTAL.

*Parish Meetings and Elections.**

43. For the purpose of this Act a woman shall not be disqualified by marriage for being on any local government register of electors, or for being an elector of any local authority, provided that a husband and wife shall not both be qualified in respect of the same property.

Removal of
disqualifica-
tion of
married
women.

44.—(1.) The local government register of electors and the parliamentary register of electors, so far as they relate to a parish shall, together, form the register of the parochial electors of the parish: and any person whose name is not in that register shall not be entitled to attend a meeting or vote as a parochial elector, and any person whose name is in that register shall be entitled to attend a meeting and vote as a parochial elector unless prohibited from voting by this or any other Act of Parliament.†

Register of
parochial
electors.

(2.) Where the parish is in a parliamentary borough, such portion of the parliamentary register of electors for the county as contains the names of persons registered in respect of the ownership of any property in the parish shall be deemed to form part of the parliamentary register of electors for the parish within the meaning of this section.

(3.) The lists and register of electors in any parish shall be framed in parts for wards of urban districts and parishes in such manner that they may be conveniently used as lists for polling at elections for any such wards.

(4.) Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one register of parochial electors.

(5.) Where in that portion of the parliamentary register of electors which relates to a parish a person is entered to vote in a polling district other than the district comprising the parish, such person shall be entitled to vote as a parochial elector for that parish, and in addition to an asterisk there shall be placed against his name a number consecutive with the other numbers in the list. [*See the Parliamentary Registration Act 1843, s. 36.*]

(6.) Where the revising barrister in any list of voters for a parish would—

(a.) In pursuance of section seven of the County Electors Act, 1888, 51 Vict. c. 10, place an asterisk or other mark against the name of any person; or

(b.) In pursuance of section four of the Registration Act 1885, erase the name of any person otherwise than by reason of that name appearing more than once in the lists for the same parish; or

(c.) In pursuance of section twenty-eight of the Parliamentary and Municipal Registration Act, 1878, as amended by section five of the Registration Act, 1885, place against the name of a person a note to the effect that such person is not entitled to vote in respect of the qualification contained in the list.

41 & 42 Vict.
c. 26.
48 & 49 Vict.
c. 15.

the revising barrister shall, instead of placing that mark or note, or erasing the name, place against the name, if the person is entitled to vote in respect of that entry as a county elector or burgess, a mark signifying that his name should be printed in division three of the list, or if he is entitled to vote only as a parochial elector, a mark signifying that he is

* See s. 31 (1).

† See the Felony Act 1870, s. 2; Forfeiture Act 1870, s. 2; Corrupt Practices Acts 1883, ss. 4, 6, 10, and 38 (5), 1884, ss. 2, 7, 17, 23, and 28 (4), and 1889, s. 2; Divided Parishes etc. Act 1876, s. 14; 51 & 52 Vict. c. 41, s. 5 (7); and the Bankruptcy Acts 1883, s. 32, and 1890, s. 9, etc.

entitled to be registered as a parochial elector, and the name so marked shall not be printed in the parliamentary register of electors, but shall be printed, as the case requires, either in division three of the local government register of electors, or in a separate list of parochial electors.

(7.) Where the name of a person is entered both in the ownership list and in the occupation list of voters in the same parish, and the revising barrister places against that name a mark or note signifying that the name should be printed in division three of the lists, an asterisk or other mark shall be there printed against the name, and such person shall not be entitled to vote as a parochial elector in respect of that entry.

(8.) Such separate list shall form part of the register of parochial electors of the parish, and shall be printed at the end of the other lists of electors for the parish, and the names shall be numbered consecutively with the other names on those lists, and the law relating to the register of electors shall, with the necessary modifications, apply accordingly, and the lists shall, for the purposes of this Act, be deemed to be part of such register.

(9.) Any person may claim for the purpose of having his name entered in the parochial electors list, and the law relating to claims to be entered in lists of voters shall apply.

(10.) The clerk of the county council or town clerk, as the case may be, shall, in printing the lists returned to him by the revising barrister, do everything that is necessary for carrying into effect the provisions of this section with respect to the persons whose names are marked by the revising barrister in pursuance of this section.

Disqualifi-
cations for
parish or
district
council.

46.*—(1.) A person shall be disqualified for being elected or being a member or chairman of a council of a parish or of a district other than a borough or of a board of guardians if he—

- (a) is an infant or an alien; or
- (b) has within twelve months before his election, or since his election, received union or parochial relief †; or
- (c) has, within five years before his election or since his election, been convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon, or has, within or during the time aforesaid, been adjudged bankrupt, or made a composition or arrangement with his creditors †; or
- (d) holds any paid office under the parish council or district council or board of guardians, as the case may be; or
- (e) is concerned in any bargain or contract entered into with the council or board, or participates in the profit of any such bargain or contract or of any work done under the authority of the council or board.

(2.) Provided that a person shall not be disqualified for being elected or being a member or chairman of any such council or board by reason of being interested—

- (a) in the sale or lease of any lands or in any loan of money to the council or board, or in any contract with the council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or in the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or
- (b) in any newspaper in which any advertisement relating to the affairs of the council or board is inserted; or
- (c) in any contract with the council or board as a shareholder in any joint stock company; but he shall not vote at any meeting of the council or board on any question in which such company are

* See 62 & 63 Vict. c. 14, s. 2 (5).

† See note to s. 44 (1).

interested, except that in the case of a water company or other company established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the county council.

(3.) [*Where a parish councillor is concerned in any such bargain or contract, or participates in any such profit, as would disqualify him for being a parish councillor, the disqualification may be removed by the county council if they are of opinion that such removal will be beneficial to the parish. Not applicable to London.*]

(4.) Where a person is disqualified by being adjudged bankrupt or making a composition or arrangement with his creditors, the disqualification shall cease, in case of bankruptcy, when the adjudication is annulled, or when he obtains his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his part, and, in case of composition or arrangement, on payment of his debts in full.

(5.) [*A person disqualified for being a guardian shall also be disqualified for being a rural district councillor. Not applicable to London.*]

(6.) If a member of a council of a parish, or of a district other than a borough, or of a board of guardians, is absent from meetings of the council or board for more than six months consecutively, except in case of illness or for some reason approved by the council or board, his office shall on the expiration of those months become vacant.

(7.) Where a member of a council or board of guardians becomes disqualified for holding office, or vacates his seat for absence, the council or board shall forthwith declare the office to be vacant, and signify the same by notice signed by three members and countersigned by the clerk of the council or board, and notified in such manner as the council or board direct, and the office shall thereupon become vacant.

(8.) If any person acts when disqualified, or votes when prohibited under this section, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(9.) This section shall apply in the case of any authority whose members are elected in accordance with this Act in like manner as if that authority were a district council. . . . [*Part omitted (provisions as to London auditors) rep. 62 & 63 Vict. c. 14, s 35.*]

48.—(1.) [*As to the election of parish councillor.*]

(2.) Rules framed under this Act by the Local Government Board in relation to elections shall, notwithstanding anything in any other Act, have effect as if enacted in this Act, and shall provide, amongst other things—

Supplemental provisions as to elections, polls, and tenure of office.

(i.) for every candidate being nominated in writing by two parochial electors as proposer and seconder and no more;

(ii.) for preventing an elector at an election for a union or for a district not a borough from subscribing a nomination paper or voting in more than one parish or other area in the union or district;

(iii.) for preventing an elector at an election for a parish divided into parish wards from subscribing a nomination paper or voting for more than one ward;

(iv.) for fixing or enabling the county council to fix the day of the poll and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening*;

(v.) for the polls at elections held at the same date and in the same area being taken together, except where this is impracticable;

(vi.) for the appointment of returning officers for the elections.

(3.) At every election regulated by rules framed under this Act, the 35 & 36 Vict. poll shall be taken by ballot, and the Ballot Act, 1872, and the Municipal c. 33.

* See the Election (Hours of Poll) Act 1885, and the Metropolitan Borough Councillors Election Order 1903.

47 & 48 Vict. Elections (Corrupt and Illegal Practices) Act, 1884, and sections seventy-four and seventy-five and Part IV. of the Municipal Corporations Act, 1882, as amended by the last-mentioned Act (including the penal provisions of those Acts) shall, subject to adaptations, alterations, and exceptions made by such rules, apply in like manner as in the case of a municipal election. Provided that—

(a) section six of the Ballot Act, 1872, shall apply in the case of such elections, and the returning officer may, in addition to using the schools and public rooms therein referred to free of charge, for taking the poll, use the same, free of charge, for hearing objections to nomination papers and for counting votes; and

(b) section thirty-seven of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall apply as if the election were an election mentioned in the First Schedule to that Act.

(4.) The provisions of the Municipal Corporations Act, 1882, and the enactments amending the same, with respect to the expenses of elections of councillors of a borough, and to the acceptance of office, resignation, re-eligibility of holders of office, and the filling of casual vacancies, and section fifty-six of that Act, shall, subject to the adaptations, alterations, and exceptions made by the said rules, apply in the case of guardians and of district councillors of a county district not a borough, [*and of members of the local board of Woolwich**] and of a vestry[†] under the Metropolis Management Acts, 1855 to 1890, and any Act amending the same. Provided that—

(a) the provisions as to resignation shall not apply to guardians. . . . [*Part omitted (as to resignation of district councillors of a rural district) not applicable to London.*]

(b) nothing in the enactments applied by this section shall authorise or require a returning officer to hold an election to fill a casual vacancy which occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, and the vacancy shall be filled at the next ordinary election; and

(c) the rules may provide for the incidence of the charge for the expenses of the elections of guardians being the same as heretofore.

(5.) If any difficulty arises as respects the election of any individual councillor or guardian, or member of any such *local board or vestry* as aforesaid, *or auditor*, and there is no provision for holding another election, the county council may order a new election to be held and give such directions as may be necessary for the purpose of holding the election. [*Words in italics rep. 62 & 63 Vict. c. 14, s. 35.*]

(6.) Any ballot boxes, fittings, and compartments provided by or belonging to any public authority, for any election (whether parliamentary, county council, municipal, school board, or other), shall, on request, and if not required for immediate use by the said authority, be lent to the returning officer for an election under this Act, upon such conditions and either free of charge or, except in the prescribed cases, for such reasonable charge as may be prescribed. [*See s. 75 (2).*]

(7.) The expenses of any election under this Act shall not exceed the scale fixed by the county council. . . . [*Part omitted (as to the scale for the first election) spent.*]

(8.) This section shall, subject to any adaptations made by the said rules, apply in the case of every poll consequent on a parish meeting, as if it were a poll for the election of parish councillors.

Joint committees.

± 57.—(1.) A parish or district council may concur with any other parish or district council or councils in appointing out of their respective

* See 62 & 63 Vict. c. 14, ss. 19 and 35 (2).

† Now a council of a metropolitan borough. See 62 & 63 Vict. c. 14, s. 4.

‡ See 62 & 63 Vict. c. 14, s. 8 (4).

bodies a joint committee for any purpose in respect of which they are jointly interested, and in conferring, with or without conditions or restrictions, on any such committee any powers which the appointing council might exercise if the purpose related exclusively to their own parish or district.

(2.) Provided that a council shall not delegate to any such committee any power to borrow money or make any rate.

(3.) A joint committee appointed under this section shall not hold office beyond the expiration of fourteen days after the next annual meeting of any of the councils who appointed it.

(4.) The costs of a joint committee under this section shall be defrayed by the councils by whom it is appointed in such proportions as they may agree upon, or as may be determined in case of difference by the county council.

(5.) Where a parish council can under this Act be required to appoint a committee consisting partly of members of the council and partly of other persons, that requirement may also be made in the case of a joint committee, and shall be duly complied with by the parish councils concerned at the time of the appointment of such committee.

Miscellaneous.

60.—(1.) The council of each county may, from time to time, by order, Supplemental fix or alter the number of guardians or rural district councillors to be elected for each parish within their county, and for those purposes may exercise powers of adding parishes to each other and dividing parishes into wards, similar to those which by the Acts relating to the relief of the poor are, for the purpose of the election of guardians, vested in the Local Government Board. [See the *Poor Law Amendment Acts 1834, s. 38, and 1844, s. 18, and 1868, s. 6; and the Divided Parishes and Poor Law Amendment Act 1876, s. 12.*]

(2.) The council of each county may for the purpose of regulating the retirement of guardians or rural district councillors, in cases where they retire by thirds, and in order that as nearly as may be one third of the persons elected as guardians for the union, and one third of the persons elected as rural district councillors for the district, shall retire in each year, direct in which year or years of each triennial period the guardians or district councillors for each parish, ward, or other area in the union or rural district shall retire.

(3.) Where a poor law union is situate in more than one county,* the power under this section of fixing or altering the number of guardians or rural district councillors, and of regulating the retirement of guardians and of district councillors, shall be exercised by a joint committee of the councils of the counties concerned, but if any of those councils do not, within two months after request from any other of them, appoint members of such joint committee, the members of the committee actually appointed shall act as the joint committee.

Provided that if any order under this sub-section is, within six weeks after the making thereof, objected to by any of the county councils concerned, or by any committee of any of those councils authorised in that behalf, it shall be of no effect until confirmed by the Local Government Board.

(4)—(6). [*Provisions as to guardians under local and personal Acts and for the city of Oxford. Not applicable to London.*]

* See note on 51 & 52 Vict. c. 41, s. 43.

Transfer of
property and
debts and
liabilities.

67. Where any powers and duties are transferred by this Act from one authority to another authority—

- (1.) All property held by the first authority for the purpose or by virtue of such powers and duties shall pass to and vest in the other authority, subject to all debts and liabilities affecting the same; and
- (2.) The latter authority shall hold the same for the estate, interest, and purposes, and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed, so far as the same are not modified by or in pursuance of this Act; and
- (3.) All debts and liabilities of the first authority incurred by virtue of such powers and duties shall become debts and liabilities of the latter authority, and be defrayed out of the like property and funds out of which they would have been defrayed if this Act had not passed. [See s. 33.]

Adjustment
of property
and
liabilities.

68.—(1.) Where any adjustment is required for the purpose of this Act, or of any order, or thing made or done under this Act, then, if the adjustment is not otherwise made, the authorities interested may make agreements for the purpose, and may thereby adjust any property, income, debts, liabilities, and expenses, so far as affected by this Act, or such scheme, order, or thing, of the parties to the agreement.

(2.) The agreement may provide for the transfer or retention of any property, debts, or liabilities, with or without any conditions, and for the joint use of any property, and for payment by either party to the agreement in respect of property, debts, and liabilities so transferred or retained, or of such joint user, and in respect of the salary or remuneration of any officer or person, and that either by way of an annual payment or, except in the case of a salary or remuneration, by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the Local Government Board: Provided that where any of the authorities interested is a board of guardians, any such agreement, so far as it relates to the joint use of any property, shall be subject to the approval of the Local Government Board.

52 & 53 Vict.
c. 49.

(3.) In default of an agreement, and as far as any such agreement does not extend, such adjustment shall be referred to arbitration in accordance with the Arbitration Act, 1889, and the arbitrator shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement might have provided.

(4.) Any sum required to be paid by any authority for the purpose of adjustment may be paid as part of the general expenses of exercising their duties under this Act, or out of such special fund as the authority, with the approval of the Local Government Board, direct, and if it is a capital sum the payment thereof shall be a purpose for which the authority may borrow under the Acts relating to such authority, on the security of all or any of the funds, rates, and revenues of the authority, and any such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Local Government Board may sanction.

(5.) Any capital sum paid to any authority for the purpose of any adjustment under this Act shall be treated as capital, and applied, with the sanction of the Local Government Board, either in the repayment of debt or for any other purpose for which capital money may be applied.

Summary
proceeding
for deter-
mination of

70.—(1.) If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under this Act to any parish council, parish meeting, or district council, or any property is or is not vested in the parish council, or in the chairman and overseers of

a rural parish, or in a district council, that question, without prejudice to any other mode of trying it, may, on the application of the council, meeting, or other local authority concerned, be submitted for decision to the High Court in such summary manner as, subject to any rules of court, may be directed by the Court; and the Court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

(2.) If any question arises or is about to arise under this Act as to the appointment of the trustees or beneficiaries of any charity, or as to the persons in whom the property of any charity is vested, such question shall, at the request of any trustee, beneficiary, or other person interested, be determined in the first instance by the Charity Commissioners, subject to an appeal to the High Court brought within three months after such determination. Provided that an appeal to the High Court of Justice from any determination of the Charity Commissioners under this section may be presented only under the same conditions as are prescribed in the case of appeals to the High Court from orders made by the Charity Commissioners under the Charitable Trusts Acts, 1853 to 1891. [*See 62 & 63 Vict. c. 14, s. 23 (5).*]

(3.) An appeal shall, with the leave of the High Court or Court of Appeal, but not otherwise, lie to the Court of Appeal against any decision under this section.

71. A copy of every order made by a county council or joint committee in pursuance of this Act shall be sent to the Local Government Board, and, if it alters any local area or name, also to the Board of Agriculture.

72. [*As to the expenses of the Local Government Board in inquiries and other proceedings under this Act, and as to the expenses of local inquiries held by county councils.*]

73. When the day on which any thing is required by or in pursuance of this Act to be done is Sunday, Christmas Day, or Good Friday, or a bank holiday, that thing shall be done on the next following day, not being one of the days above mentioned.

75.—(1.) The definition of “parish”* in section one hundred of the Local Government Act, 1888, shall not apply to this Act, but, save as aforesaid, expressions used in this Act shall, unless the context otherwise requires, have the same meaning as in the said Act.

(2.) In this Act, unless the context otherwise requires—

The expression “parochial elector,” when used with reference to a parish in an urban district, or in the county of London or any county borough, means any person who would be a parochial elector of the parish if it were a rural parish.

The expression “election” includes both the nomination and the poll.

The expression “trustees” includes persons administering or managing any charity or recreation ground, or other property or thing in relation to which the word is used.

The expression “ecclesiastical charity”† includes a charity, the endowment whereof is held for some one or more of the following purposes:—

- (a) for any spiritual purpose which is a legal purpose; or
- (b) for the benefit of any spiritual person or ecclesiastical officer as such; or
- (c) for use, if a building, as a church, chapel, mission room, or Sunday school, or otherwise by any particular church or denomination; or
- (d) for the maintenance, repair, or improvement of any such building as aforesaid, or for the maintenance of divine service therein; or

* See the Interpretation Act 1889, s. 5.

† See 62 & 63 Vict. c. 14, s. 23 (3).

(e) otherwise for the benefit of any particular church or denomination, or of any members thereof as such.

Provided that where any endowment of a charity, other than a building held for any of the purposes aforesaid, is held in part only for some of the purposes aforesaid, the charity, so far as that endowment is concerned, shall be an ecclesiastical charity within the meaning of this Act; and the Charity Commissioners shall, on application by any person interested, make such provision for the apportionment and management of that endowment as seems to them necessary or expedient for giving effect to this Act.

The expression shall also include any building which in the opinion of the Charity Commissioners has been erected or provided within forty years before the passing of this Act mainly by or at the cost of members of any particular church or denomination.

The expression "affairs of the church" shall include the distribution of offertories or other collections made in any church.

The expression "vestry" in relation to a parish means the inhabitants of the parish whether in vestry assembled or not, and includes any select vestry either by statute or at common law.

The expression "local and personal Act" includes a Provisional Order confirmed by an Act and the Act confirming the Order.

The expression "prescribed" means prescribed by order of the Local Government Board.

[Parts omitted consist of definitions of "parochial charity," "rateable value," "county," and "elementary school."]

Short title.

77. This Act may be cited as the Local Government Act, 1894.

PART V.

TRANSITORY PROVISIONS.

Existing officers.

81.—(1.) Where the powers and duties of any authority other than Justices are transferred by this Act to any parish or district council, the officers of that authority shall become the officers of that council, and for the purposes of this section the body appointing a surveyor of highways shall be deemed to be a highway authority and any paid surveyor to be an officer of that body.

(4.) Every such officer, vestry clerk, and assistant overseer, as above in this section mentioned shall hold his office by the same tenure and upon the same terms and conditions as heretofore, and while performing the same duties shall receive not less salary or remuneration than heretofore. [See 62 & 63 Vict. c. 14, s. 30 (2).]

51 & 52 Vict. c. 41.

(7.) Section one hundred and twenty of the Local Government Act, 1888, which relates to compensation to existing officers, shall apply in the case of existing officers affected by this Act, whether officers above in this section mentioned or not, as if references in that section to the county council were references to the parish council, or the district council, or board of guardians or other authority whose officer the person affected is when the claim for compensation arises as the case may require. Provided that all expenses incurred by a district council in pursuance of this section shall be paid as general expenses of the council, and any expenses incurred by a board of guardians in pursuance of this section shall be paid out of their common fund, and any expenses incurred by any other authority in pursuance of this section shall be paid out of the fund

applicable to payment of the salary of the offices affected. [See 62 & 63 Vict. c. 14, s. 30 (2).]

85. *[As to rates and precepts for contributions made before the appointed day—As to receipts and expenditure before such day and legal proceedings commenced before such day, etc.]*

86.—(1.) Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of any rate or property transferred to a council or parish meeting by this Act; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any authority in the exercise of any powers or in relation to any property transferred from them to a council or parish meeting shall be discharged, paid, and satisfied by that council or parish meeting, and where for that purpose it is necessary to continue the levy of any rate or the exercise of any power which would have existed but for this Act, that rate may continue to be levied and that power to be exercised either by the authority who otherwise would have levied or exercised the same, or by the transferee as the case may require.

(2.) It shall be the duty of every authority whose powers, duties, and liabilities are transferred by this Act to liquidate so far as practicable before the appointed day, all current debts and liabilities incurred by such authority.

[See 62 & 63 Vict. c. 14, s. 33 (2).]

87. All such byelaws, orders, and regulations of any authority, whose powers and duties are transferred by this Act to any council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, continue in force as if made by that council, and may be revoked or altered accordingly. [See 62 & 63 Vict. c. 14, s. 33 (2).]

88.—(1.) If at the time when any powers, duties, liabilities, debts, or property are by this Act transferred to a council or parish meeting, any action or proceeding, or any cause of action or proceeding is pending or existing by or against any authority in relation thereto the same shall not be in anywise prejudicially affected by the passing of this Act, but may be continued, prosecuted, and enforced by or against the council or parish meeting as successors of the said authority in like manner as if this Act had not been passed.

(2.) All contracts, deeds, bonds, agreements, and other instruments subsisting at the time of the transfer in this section mentioned, and affecting any of such powers, duties, liabilities, debts, or property, shall be of as full force and effect against or in favour of the council or parish meeting, and may be enforced as fully and effectually as if, instead of the authority, the council or parish meeting had been a party thereto.

[See 62 & 63 Vict. c. 14, s. 33 (2).]

89. The Acts specified in the Second Schedule to this Act are hereby repealed as from the appointed day to the extent in the third column of that schedule mentioned, and so much of any Act, whether public general or local and personal, as is inconsistent with this Act is also hereby repealed. . . . *[Part omitted contains a proviso that wards of urban districts and the number of members of urban sanitary authorities fixed under any local and personal Act shall continue and be alterable as if fixed under this or any other Act.]*

SCHEDULES.

FIRST SCHEDULE. *[Rules as to parish meetings, parish councils, and committees. Not applicable to London.]*

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.	Section six. Sections thirteen to twenty-seven. In section thirty the words "or custom," Section fifty-four. In section two hundred and thirty-five the words "under this Act," where they secondly occur.
19 & 20 Vict. c. 112.	The Metropolis Management Amendment Act, 1856.	Sections six, seven, and eight.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	Section thirty-six; and section forty from "by rating" to "of such parish."
25 & 26 Vict. c. 103.	The Union Assessment Act, 1862.	In section two, the words "consisting partly of ex officio and partly of elected guardians," and from "Provided always" to the end of the section. In section five, the words "ex officio or elected," in both places where they occur, and the words, "as the case may be."
30 & 31 Vict. c. 6.	The Metropolitan Poor Act, 1867.	Section seventy-nine.

57 & 58 VICTORIA. A.D. 1894.

CHAPTER 60.

AN ACT TO CONSOLIDATE ENACTMENTS RELATING TO MERCHANT SHIPPING.
[25th August 1894.]

PART II.

MASTER AND SEAMEN.

Protection of Seamen from Imposition.

Seamen's
lodging-
houses.

214.—(1.) A local authority herein-after mentioned whose district includes a seaport may, with the approval of the Board of Trade, make byelaws relating to seamen's lodging-houses in their district, and those byelaws shall be binding upon all persons keeping houses in which seamen are lodged and upon the owners thereof and persons employed therein.

(2.) The byelaws shall amongst other things provide for the licensing, inspection, and sanitary conditions of seamen's lodging-houses, for the publication of the fact of a house being licensed, for the due execution of the byelaws, for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper character, and shall impose sufficient fines not exceeding fifty pounds for the breach of any byelaw.

(3.) The byelaws shall come into force from a date therein named, and shall be published in the London Gazette and in one newspaper at the least circulating in the district, and designated by the Board of Trade.

(4.) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter, any byelaws under this section, the Board of Trade may do so.

(5.) Whenever Her Majesty in Council orders that in any district or any part thereof none but persons duly licensed in pursuance of byelaws under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall for each offence be liable to a fine not exceeding one hundred pounds.

(6.) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority, and fines recovered for a contravention of this section or of any byelaw under this section shall be paid to such authority and added to those funds.

(7.) In this section the expression "local authority" means in the administrative county of London the County Council, and elsewhere in England the local authority under the Public Health Acts, . . . and the expression "district" means the area under the authority of such local authority.

CHAPTER CLXXXVII.

AN ACT TO AMEND THE CONSTITUTION OF AND CONSOLIDATE AMEND AND EXTEND THE STATUTORY POWERS OF THE CONSERVATORS OF THE RIVER THAMES TO MAKE FURTHER PROVISION FOR THE PRESERVATION AND IMPROVEMENT OF THE SAID RIVER FOR PURPOSES OF NAVIGATION FOR PROFIT AND PLEASURE AND AS A SOURCE OF WATER SUPPLY FOR THE METROPOLIS AND THE SUBURBS THEREOF AND FOR OTHER PURPOSES. [17th August 1894.]

[*Preamble recites (inter alia) that by the Thames Conservancy Act 1857 the Conservators of the River Thames (in this Act called "the Conservators") were incorporated, and by that Act and the other Acts mentioned in Part I. of the 1st Schedule to this Act the constitution of the Conservators was originally prescribed and from time to time altered; and that under or by virtue of the Acts mentioned in the said 1st Schedule (which Acts are respectively referred to in this Act by the titles assigned to them respectively in the third column of the said Schedule) certain property, powers, rights, authorities, privileges, duties, and obligations are vested in, exercised by, or conferred or imposed upon the Conservators; and that it is expedient that the constitution of the Conservators be altered, and that the enactments of the said Acts specified in the fourth column of the said 1st Schedule be consolidated with amendments as in this Act appears; and that, having regard to the large quantities of the waters of the River Thames used for purposes of domestic supply in the metropolis and the suburbs thereof and to the constant increase of population and of sources of pollution in the catchment area of the said river, it is expedient that the powers of the Conservators for preventing pollution of the waters of the River Thames be enlarged and made exercisable over an extended area, that provision be made with respect to the quantities of water which may be abstracted from the said river by certain water companies, and that provision be made for increased annual contributions by some of such companies to the funds of the Conservators; and that it is expedient that the powers of the Conservators for preserving, freeing from obstruction, and improving the navigation of the River Thames, whether for profit or pleasure, be extended as in this Act appears.*]

PART I.

PRELIMINARY.

- Short title. **1.** This Act may be cited as the Thames Conservancy Act 1894.
- Incorporation of parts of Acts. **2.** The Lands Clauses Acts except the provisions thereof relating to access to the special Act.
 Sections 64 to 68 70 to 88 99 and 101 to 104 of the Commissioners Clauses Act 1847 except so much of the said section 104 as incorporates with that Act any of the provisions of sections 141 150 and 157 to 161 of the Railways Clauses Consolidation Act 1845; and
 Sections 28 51 54 55 and 62 of the Harbours Docks and Piers Clauses Act 1847;
 so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act:
 Provided that the provisions of the Commissioners Clauses Act 1847 so incorporated shall for the purpose of such incorporation be read as if—
 (1) The word “Conservators” had been therein inserted instead of the word “Commissioners” wherever the same appears;
 (2) The word “secretary” had been therein inserted instead of the word “clerk” wherever the same appears;
 (3) In section 65 the list of officers therein mentioned included engineers surveyors lock-keepers water bailiffs collectors and inspectors:
 And provided that the provisions of the Harbours Docks and Piers Clauses Act 1847 so incorporated shall apply to the Thames as if the Thames were a harbour by this Act authorised to be constructed and as if the word “Conservators” had been in those provisions inserted instead of the word “undertakers” wherever the same appears.
- Interpretation. **3.** In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction namely:—
 The word “Conservators” means Conservators of the River Thames whether before or after the passing of this Act;
 The expression “the Common Council” means the mayor aldermen and commons of the city of London in common council assembled;
 The expression “the Trinity House” means the master wardens and assistants of the guild fraternity or brotherhood of the Most Glorious and Undivided Trinity and of Saint Clement in the parish of Deptford Strond in the county of Kent commonly called “the Corporation of Trinity House of Deptford Strond”;
 The expression “the Watermen’s Company” means the master wardens and commonalty of watermen and lightermen of the River Thames;
 The expression “the metropolitan water companies” * means and includes the Governor and Company of the Chelsea Waterworks the Company of Proprietors of Lambeth Waterworks the Grand Junction Waterworks Company the Southwark and Vauxhall Water Company the Company of Proprietors of the West Middlesex Waterworks and the East London Waterworks Company;
 The expression “owners of sailing barges” used in reference to elections of Conservators means owners of sailing barges registered in the Custom House books of the port of London;
 The expression “owners of lighters and steam tugs” used in reference to elections of Conservators means owners of lighters and steam tugs used on the Thames and registered at Watermen’s Hall;
 The word “dockowners” used in reference to elections of Conservators means occupiers of docks on the Thames established under Act of Parliament or Royal Charter;

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

The word "wharfingers" used in reference to elections of Conservators means occupiers of legal quays and sufferance wharfs on the Thames appointed by the Commissioners of Customs;

The expression "the secretary" means the secretary of the Conservators;

The expression "common seal" means the common seal of the Conservators;

The expression "permission of the Conservators" or "consent of the Conservators" means permission or consent of the Conservators in writing signed by the secretary;

The expression "the Thames" means and includes so much of the Rivers Thames and Isis respectively as are between the town of Cricklade in the county of Wilts and an imaginary straight line drawn from the entrance to Yantlet Creek in the county of Kent to the City Stone opposite to Canvey Island in the county of Essex and so much of the River Kennet as is between the common landing-place at Reading in the county of Berks and the River Thames and so much of the River Lee and Bow Creek respectively as are below the south boundary stones in the Lee Conservancy Act 1868 mentioned and all locks cuts and works within the said portions of rivers and creeks. Provided that no dock lock canal or cut existing at the passing of this Act and constructed under the authority of Parliament and belonging to any body corporate established under such authority and no bridge over the River Thames or the River Kennet belonging to or vested in any county council or municipal authority or to or in any railway company shall be deemed to form part of the Thames;

The word "shore" means the shores of the Thames so far as the tide flows and reflows between high and low water marks at ordinary tides;

The expression "port of London" means so much of the area within the limits described in the Second Schedule to this Act as is from time to time contained within the port of London as established for the purposes of the laws relating to the Customs of the United Kingdom and the whole of any area which for the time being is under any Act to be deemed to form part of the port of London [*see 54 & 55 Vict. c. 76, s. 111, and note thereon*];

The word "pier" includes any floating pier and any jetty;

The word "wharf" includes any wall and building adjoining the Thames;

The word "goods" includes wares and merchandise of every description;

The word "vessel" includes any ship lighter keel barge launch house-boat pleasure or other boat randan wherry skiff dingey shallop punt canoe yacht raft float of timber or craft whatever however navigated;

The word "lighter" includes any barge or other like craft for carrying goods;

The expression "steam launch" includes any vessel propelled by steam electricity or other mechanical power not being used solely as a tug or for the carriage of goods and not being certified by the Board of Trade as a passenger steamer to carry two hundred or more passengers;

The expression "house-boat" includes any pleasure boat on the Thames above Teddington Lock which is not a steam launch and which is decked or otherwise structurally covered in and which is or is capable of being used as a place of habitation (whether by day and night or the one or the other) or as a place for accommodating or receiving persons for purposes of shelter recreation entertainment or refreshment or of witnessing regattas or other events or as club premises or as offices or as a kitchen pantry or store place;

The expression "pleasure boat" includes any ship launch house-boat boat randan wherry skiff dingey shallop punt canoe or yacht however navigated not being used solely as a tug or for the carriage of goods and not being certified by the Board of Trade as a passenger steamer to carry two hundred or more passengers;

The word "master" when used in relation to any vessel means any person whether the owner master or other person lawfully or wrongfully having or taking the command charge or management of the vessel for the time being;

The word "fishery" includes oyster and shell fishery;

The word "fish" includes oysters and shell-fish and also the spawn brood and fry of fish oysters and shell-fish;

The word "ballast" includes every kind of gravel sand and soil and every commodity or thing commonly used for the ballasting of vessels;

The expression "standing orders" means standing orders from time to time made by the Conservators under the powers of this Act and for the time being in force;

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor;

The word "London" used in connexion with the publication of any notice or byelaw (proposed or made) means the administrative county of London;

Words and expressions to which meanings are assigned by the Acts partially incorporated with this Act have in this Act the same respective meanings unless varied by this Act or unless there be something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act in any enactment incorporated with this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Repeal of enactments.

4. The several Acts mentioned in the First Schedule to this Act are hereby repealed to the extent mentioned in the fourth column of that Schedule.

PART II.

THE CONSERVATORS OF THE RIVER THAMES.

Conservators to continue incorporated.

5. From and after the passing of this Act there shall until the end of the year one thousand eight hundred and ninety-four be thirty and thereafter be thirty-eight Conservators for carrying this Act into execution and the several persons who from time to time shall be the Conservators shall notwithstanding the repeal of enactments by this Act effected continue and be a body corporate by the name of "the Conservators of the River Thames" and by that name shall have perpetual succession and a common seal with power to take hold and dispose of lands and other property for the purposes of this Act.

6. [*Existing Conservators to continue till the end of 1894. Spent.*]

7. [*As to filling up casual vacancies till the end of 1894. Spent.*]

Conservators from and after 1st January 1895.

Conservators from and after 1st Jan. 1895.

8. From and after the first day of January one thousand eight hundred and ninety-five the thirty-eight Conservators shall be persons appointed or elected as follows:—

(A) Appointed—

By the Admiralty two;

By the Board of Trade two;

By the Trinity House two;

By the Gloucestershire and Wiltshire County Councils or by one of those councils one ;

By the Oxfordshire County Council one ;

By the Council of the City and County Borough of Oxford one ;

By the Berkshire County Council one ;

By the Council of the County Borough of Reading one ;

By the Buckinghamshire County Council one ;

By the Hertfordshire County Council one ;

By the Surrey County Council one ;

By the Middlesex County Council one ;

By the London County Council six ;

By the Common Council six ;

By the Essex County Council one ;

By the Council of the County Borough of West Ham one ;

By the Kent County Council one ;

By the metropolitan water companies * one ;

(B) Elected—

By shipowners three ;

By owners of sailing barges lighters and steam tugs two ;

By dockowners one ;

By wharfingers one.

9.—(1) In the year one thousand eight hundred and ninety-four and in every third year thereafter persons shall be appointed to be Conservators from and after the first day of January then next as follows:—

By the Admiralty two ;

By the Board of Trade two ;

By the Trinity House two ;

By the Gloucestershire and Wiltshire County Councils or by one of those councils one ;

By the Oxfordshire County Council one ;

By the Council of the City and County Borough of Oxford one ;

By the Berkshire County Council one ;

By the Council of the County Borough of Reading one ;

By the Buckinghamshire County Council one ;

By the Hertfordshire County Council one ;

By the Surrey County Council one ;

By the Middlesex County Council one ;

By the Essex County Council one ;

By the Council of the County Borough of West Ham one ;

By the Kent County Council one ;

By the metropolitan water companies * one :

Every person so appointed subject to his so long living and not refusing to act or resigning or pursuant to this Act being or becoming disqualified or being removed shall continue in office for three years and then retire.

(2) [As to the appointment in 1894 of 6 persons by the Common Council and 6 persons by the London County Council to be Conservators, of whom 2 appointed by the Common Council and 2 appointed by the County Council are to retire in each of the years 1895, 1896, and 1897. Spent.]

(3) In the year one thousand eight hundred and ninety-five and in every year thereafter persons shall be appointed to be Conservators from and after the first day of January then next as follows:—

By the Common Council two ;

By the London County Council two :

Every person appointed under this sub-section subject as aforesaid shall continue in office for three years and then retire.

(4) [As to the appointment in 1894 of 3 persons by the shipowners to be Conservators, of whom 1 shall retire in each of the years 1895, 1896, and 1897. Spent.]

(5) In the year one thousand eight hundred and ninety-five and in every

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

Periods for which Conservators to be appointed or elected from and after 1st Jan. 1895.

year thereafter a person shall be elected by shipowners to be a Conservator from and after the first day of January then next :

Every person so elected subject as aforesaid shall continue in office for three years and then retire.

(6) *[As to the appointment in 1894 of 2 persons by the owners of sailing barges, lighters, and steam tugs to be Conservators, of whom 1 shall retire in each of the years 1895 and 1896. Spent.]*

(7) In the year one thousand eight hundred and ninety-five and in every year thereafter a person shall be elected by owners of sailing barges, lighters and steam tugs to be a Conservator from and after the first day of January then next :

Every person so elected subject as aforesaid shall continue in office for two years and then retire.

(8) In the year one thousand eight hundred and ninety-four and in every year thereafter persons shall be elected to be Conservators from and after the first day of January then next as follows :—

By dockowners one :

By wharfingers one :

Every person so elected subject as aforesaid shall continue in office for one year and then retire.

10. *[As to appointment of a person to be a Conservator by Gloucestershire and Wiltshire County Councils.]*

11—27. *[As to elections of Conservators by shipowners, by owners of sailing barges, lighters, and steam tugs, by dockowners and by wharfingers, and appointments of Conservators by the metropolitan water companies.*]*

General Provisions as to Appointments and Elections of Conservators.

Disqualifica-
tions for
being Con-
servators.

28.—(1) The following persons shall be disqualified for being or continuing to be Conservators namely :—

(A) Every person appointed by the Trinity House if he is not or ceases to be a member of the Trinity House ;

(B) Every person appointed by the Common Council if he is not or ceases to be a member of the Common Council ;

(C) Every person appointed by a county council if he is not or ceases to be a member of such county council ;

(G) Every person appointed by the metropolitan water companies* if he is not or ceases to be a member of the board of directors or other governing body of one of those companies* ;

(H) Every person who has been adjudged bankrupt or has made a composition or arrangement with his creditors ;

(K) Every person who holds any office or place of profit under the Conservators [see s. 33] ;

(L) Every person who is concerned in any contract entered into with the Conservators or participates in the profit of any such contract or of any work done under the authority of the Conservators.

(2) Provided that—

(A) For the purposes of this section a person shall not be deemed to have ceased to be a member of the Trinity House or a member of the Common Council or a member of a county council or a member of the council of a county borough or a member of the board of directors or other governing body of a company or other body corporate by reason only of his ceasing to be such by effluxion of time if he be re-elected a member of the same body at the election of members thereof next after such cesser ; and

(B) A person shall not be disqualified for being or continuing to be a Conservator by reason of his having been adjudged bankrupt or

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

made a composition or arrangement with his creditors when in case of bankruptcy the adjudication has been annulled or he has obtained his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his part and in case of composition or arrangement his debts have been paid in full; and

(c) A person shall not be disqualified for being or continuing to be a Conservator by reason of his being interested—

(a) in the sale or lease of any lands or in any loan of money to the Conservators or in any contract with the Conservators for the supply from land of which he is owner or occupier of stone gravel or other materials for work being done under the authority of the Conservators; or

(b) in any newspaper in which any advertisement notice or byelaw is published by the Conservators; or

(c) in any contract with the Conservators as a shareholder in any joint stock company if and so long as he does not act as a Conservator in any matter relating to such contract.

[Part omitted refers to the disqualification of persons appointed by the Gloucestershire and Wiltshire County Councils jointly, by the council of a county borough, and of persons elected by shipowners, by owners of sailing barges, lighters, and steam tugs, by dockowners or by wharfingers, or appointed by the Conservators to fill a vacancy in the office of a Conservator elected by any of those bodies.]

29.—(1) If on or after the first day of January one thousand eight hundred and ninety-five any vacancy in the office of Conservator occasioned otherwise than by effluxion of time occurs such vacancy may be filled up by the appointment of another person to be a Conservator.

Filling up casual vacancies and vacancies from failures to appoint or elect.

(2) Any such appointment shall in the case of a vacancy in the office of a Conservator elected by shipowners by owners of sailing barges lighters and steam tugs by dockowners or by wharfingers be made by the Conservators and shall in all other cases be made by the body which appointed the Conservator whose place is to be filled up.

(3) Every such appointment which shall be made by the Conservators shall be made at a meeting of the Conservators in the notices for which the intention to fill up the vacancy shall have been stated.

(4) A Conservator appointed under this section shall continue in office only so long as the Conservator in whose place he is appointed would have been entitled to continue in office.

(5) If at any time there is a failure to appoint or a failure to elect any person to be a Conservator pursuant to the section of this Act whereof the marginal note is “Periods for which Conservators to be appointed or elected from and after 1st January 1895” there shall be deemed to be a vacancy in the office of a Conservator occasioned otherwise than by effluxion of time and such vacancy may be filled up accordingly and for that purpose the foregoing provisions of this section shall be applicable with the following modifications:—

(A) The vacancy shall be deemed to be in the office of the Conservator who but for such a failure would have been appointed or elected;

(B) If such vacancy be in the office of a Conservator elected by shipowners by owners of sailing barges lighters and steam tugs by dockowners or by wharfingers the Conservators shall on or before the then next thirty-first day of December fill up such vacancy.

(6) Provided that any Conservator appointed under this section to fill a vacancy in the office of a Conservator elected by shipowners shall hold office until the thirty-first day of December next following the commencement of his term of office and shall then retire and the vacancy created by his retirement shall be filled up at the election by shipowners next following the appointment of the Conservator so appointed and any Conservator so

elected shall hold office for the remainder only of the term for which he would have been entitled to hold office had he been elected when the Conservator in respect of whose office the casual vacancy occurred was elected or at the time when the failure to elect occurred as the case may be.

Certain Conservators removable.

30.—(1) Every Conservator appointed by the Admiralty the Board of Trade the Trinity House the Common Council any county council the council of any county borough or the metropolitan water companies* or elected by shipowners shall be removable from his office of Conservator by the body which appointed or elected him :

Provided that a Conservator shall not be so removed by the Common Council a county council or the council of a county borough unless notice in writing of the intention to propose the removal of such Conservator shall have been given to every member of such council seven days at least before the meeting of such council at which the removal is determined upon nor unless such removal be determined upon by a majority consisting of two thirds of the councillors (which word shall for this purpose be deemed to include the words "mayor" and "aldermen") present and voting at such meeting.

[Part omitted contains provisions as to the removal of a Conservator by shipowners.]

Outgoing Conservators re-eligible.

31. Every Conservator going out of office shall if not pursuant to this Act disqualified be eligible to be re-appointed or re-elected.

Notice to be given of appointments of Conservators.

32. Forthwith after every appointment by the Admiralty or by the Board of Trade or by the Trinity House or by the Common Council or by any county council or by the council of any county borough or by the metropolitan water companies* of any person to be a Conservator notice in writing of such appointment shall be sent to the secretary by the secretary to the Admiralty or by a secretary or assistant secretary to the Board of Trade or by the secretary to the Trinity House or by the town clerk of the city of London or by the clerk to the county council or by the town clerk of the county borough or by the governor or chairman of one of the metropolitan water companies* as the case may be.

In the event of a joint appointment by the Gloucestershire and Wiltshire County Councils the notice shall be sent by the clerk to the county council of which the person appointed to be a Conservator is a member.

Payment of Conservators.

Conservators with approval of Board of Trade to be paid sums annually.

33.—(1) The Conservators every year shall set apart out of the Lower Navigation Fund such sum not exceeding in any year two thousand four hundred pounds and out of the Upper Navigation Fund such sum not exceeding in any year seven hundred pounds as they with the approval of the Board of Trade think fit and shall divide the same among the Conservators as they from time to time think fit.

(2) No Conservator shall by reason of his receiving any part of any of the sums aforesaid in pursuance of any such division as aforesaid be deemed to hold an office or place of profit under the Conservators or in the gift or disposal of any county council or of the council of any county borough which may have appointed him to be a Conservator. [See 45 & 46 Vict. c. 50, s. 12.]

Meetings Chairman Committees Offices Proceedings.

Annual meeting.

34. The Conservators shall hold an annual meeting in the month of April in every year at such place and time as shall from time to time be appointed by them.

Periodical meetings.

35. The Conservators shall also hold periodical meetings for any of the purposes of this Act at such places and times as shall from time to time be appointed by them.

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

36. No new byelaw or standing order shall be adopted at any periodical meeting unless the subject of such byelaw or standing order (as the case may be) shall have been stated in the notice of such meeting.

Notice to be given of certain business at periodical meetings.

37. The Conservators may hold special meetings at such places and times as the secretary shall subject to standing orders from time to time appoint and the secretary shall convene a special meeting on the written request of the chairman of the Conservators or of any two or more of the Conservators but no business shall be transacted at any special meeting except such as is stated in the notice thereof.

Special meetings.

38. The Conservators present at any meeting of the Conservators may from time to time adjourn such meeting to the same or any other place at such time as they may think fit and if at any meeting there shall not be a quorum of Conservators present within one half-hour after the time appointed therefor such meeting shall stand adjourned to such day hour and place as may be prescribed by standing orders.

Adjournment of meetings.

39. Notice in writing of every meeting of the Conservators shall be given to each of the Conservators and every such notice shall be by the secretary delivered or sent by the post or otherwise to the usual place of abode or business of the Conservator two clear days at the least previous to such meeting except it be a special meeting called in a case of emergency and every such notice shall specify the time and place of meeting.

Notices of meetings.

40. All powers vested in the Conservators may be exercised by any five or more of them present at any meeting of the Conservators holden in pursuance of this Act and no business shall be transacted at any such meeting unless the said number of Conservators be present.

Quorum of Conservators.

41. The Conservators may at any meeting of the Conservators from time to time appoint committees of the Conservators for any purposes which the Conservators think would be better regulated and managed by means of such committees and they may fix the quorum of any such committee and may continue alter or discontinue any such committee.

Committees may be appointed.

42. Subject to any standing orders every committee so appointed may from time to time meet and adjourn at and to such places and times and regulate their own proceedings as they think proper for carrying into effect the purposes of their appointment but no business shall be transacted at any meeting of the committee unless the quorum of members if any fixed by the Conservators and if no quorum be fixed three members of the committee be present.

Quorum of committees.

43. At any meeting of the Conservators from time to time as occasion may require it having been stated in the notices of such meeting that it is an object of such meeting to elect a chairman of the Conservators the Conservators shall elect from among themselves a chairman who is in this Act referred to as "the chairman of the Conservators."

Chairman of Conservators.

The chairman of the Conservators shall unless he ceases to be a Conservator hold office for one year from the time of his election but shall be re-eligible.

The Conservator who was deputy-chairman of the Conservators immediately before the passing of this Act shall unless he ceases to be a Conservator be the chairman of the Conservators from the passing of this Act until the end of the year one thousand eight hundred and ninety-four.

44. The chairman of the Conservators shall be an ex-officio member of all committees of the Conservators.

Chairman of Conservators to be member of committees.

45. At every meeting of the Conservators the chairman of the Conservators if present shall be chairman of such meeting and if the chairman of the Conservators be not present one of the Conservators present at such meeting shall be elected chairman of such meeting by the majority of the Conservators present at such meeting.

Chairman of meetings of Conservators.

Chairman of meetings of committees.

46. Subject to any standing orders which may provide for the election of chairmen of committees of the Conservators at every meeting of any such committee one of the members thereof present at such meeting shall be elected chairman of such meeting by the majority of the members of the committee present at such meeting.

Manner of voting.

47. At every meeting of the Conservators or of any committee of the Conservators all questions shall be determined by a majority of the votes of the Conservators or members of the committee (as the case may be) present and voting and in case of an equal division of votes the chairman of such meeting shall have a casting vote in addition to his vote as a Conservator or as a member of the committee (as the case may be) Provided always that if at any such meeting there be an equal division of votes in an election of a chairman it shall be decided by lot which of the Conservators or of the members of the committee (as the case may be) having an equal number of votes shall be the chairman.

No resolution of Conservators to be revoked at a subsequent meeting unless after special notice.

48. No resolution at any meeting of the Conservators shall be revoked or altered at any subsequent meeting unless the notice of such subsequent meeting shall have been delivered or sent to each of the Conservators five clear days at the least previous to such meeting nor unless the intention to propose such revocation or alteration shall have been stated in such notice.

Proceedings of Conservators and committees not invalidated by vacancies.

49. No proceeding of the Conservators or of any committee of the Conservators shall be invalidated or be illegal in consequence only of there being any vacancy in the number of Conservators or of members of the committee (as the case may be) at the time of such proceeding.

Informalities in appointment or election of Conservators not to invalidate proceedings.

50. All proceedings of the Conservators or of a committee of the Conservators or of any persons acting as Conservators shall notwithstanding it be afterwards discovered that there was some defect in the appointment or election of any such Conservators or persons or that they or any of them were disqualified be as valid as if every such Conservator or person had been duly appointed or elected and were qualified to be a Conservator.

Offices.

51. The Conservators may from time to time provide and maintain fit and convenient offices together with all proper furniture for the same for holding the meetings and transacting the business of the Conservators and for the use of their officers and for transacting such other business as the Conservators shall from time to time think fit to allow or shall direct to be transacted therein and for such purpose may purchase or hire any lands or buildings which the Conservators think necessary from any person willing to sell or let the same or may cause any new building to be erected upon any land purchased or hired under the provisions of this Act or otherwise belonging to the Conservators.

Conservators to provide daily attendance at an office.

52. The Conservators shall require the secretary or some person duly authorised by them to attend at their office daily Sundays Christmas Days Good Fridays and Bank Holidays and days appointed for general fasts or thanksgivings only excepted for the purpose of receiving notices and transacting the ordinary business of the Conservators and due notice of the situation of the office of the Conservators and of the hours during which attendance is given there shall be published by the Conservators in such manner as they shall think proper so that the same may be fully and generally known.

Conservators may make contracts.

53. The Conservators may enter into contracts with any persons for the execution of any works authorised by this Act to be done by the Conservators or which they may think proper to do or to direct to be done under the powers of this Act or for furnishing materials or labour or for providing proper engines or other power or for any other matters or things whatsoever necessary for enabling them to carry the purposes of this Act into effect in such manner and upon such terms and for such sums of money and under such stipulations regulations and restrictions as the Conservators

think proper and every such contract shall be in writing and specify the several works to be done and the materials to be furnished and the prices to be paid for the same and the time or times within which the works are to be completed and the materials to be furnished and the penalties or liquidated damages to be suffered or paid in case of non-performance thereof and every such contract may if the Conservators think fit also specify the person to whose satisfaction such works and materials are to be completed and furnished and the mode of determining any dispute which may arise concerning or in consequence of such contract.

The powers hereby granted to the Conservators to enter into contracts may lawfully be exercised as follows namely:—

Any contract which if made between private persons would be by law required to be in writing and under seal the Conservators may make in writing in the corporate name of the Conservators and under the common seal and in the same manner the Conservators may vary or discharge such contract;

Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith the Conservators may make in writing in the corporate name of the Conservators signed by the secretary or by any two of the Conservators and in the same manner the Conservators may vary or discharge such contract:

And all contracts made according to the provisions herein contained shall be binding upon the Conservators.

54. The Conservators shall cause proper minutes or records of all the proceedings of the Conservators and of every committee of the Conservators to be kept under their superintendence with the names of the Conservators who attend each meeting and notes minutes or copies (as the case may require) of all appointments made or contracts entered into by or on behalf of the Conservators and of the orders of all meetings of the Conservators and of the committees of the Conservators and every such minute or record shall be signed by the chairman of that meeting or of the meeting next after that at which the proceeding took place and such minute or record so signed and any copy of such signed minute or record certified as correct under the hand of the secretary shall be received as evidence in all courts and before all Judges Justices and others without proof of such meeting having been duly convened or held or of the persons attending such meeting having been or being Conservators or members of such committee respectively or of the signature of the chairman or of the fact of his having been chairman all of which last-mentioned matters shall be presumed until the contrary be proved and such minutes and records shall at all reasonable times be open to the inspection of any of the Conservators. Records of proceedings.

55. In case any person complains of the operation of any byelaw of the Conservators or of any determination or proceeding of the Conservators or of the conduct of any of their officers or servants he shall on an application in writing to the Conservators stating the substance of his complaint be entitled to have his complaint publicly inquired into and decided on in manner following namely:— Public inquiries into complaints.

- (1) On receipt of such application the Conservators shall depute one or more not exceeding three of their body to inquire into the complaint;
- (2) A suitable room shall be provided by the Conservators to which the complainant his agent and witnesses and all other persons interested or desirous of attending shall have free access;
- (3) The Conservator or Conservators so deputed shall receive the statement of the complainant or his agent and the counter-statement of any person concerned or his agent and shall hear any arguments offered and any evidence adduced in support of such statement or counter-statement and he or they or one of them

shall write down the substance of such statement counter-statement arguments and evidence in a narrative form and he or they shall report the same and his or their opinion thereon for the information of the Conservators:

- (4) The Conservators shall consider the report and shall decide on the complaint and their decision shall be delivered in public either on the same day or on a subsequent day appointed for the purpose.

Notwithstanding anything in this section any person not requiring a public inquiry but desirous of stating any complaint personally to the Conservators shall be at liberty to do so on attending at the office of the Conservators having made application for that purpose.

Nothing in this section shall restrict the Conservators from holding any meeting if they think fit in a room to which the public may have access.

Conservators
to report
annually to
Parliament.
Standing
orders.

56. The Conservators shall in every year present to both Houses of Parliament a general report of their proceedings during the year ended on the then last thirty-first day of December.

57. Subject to the provisions of this Act the Conservators may from time to time make alter and revoke standing orders for the regulation of their proceedings and business and of the proceedings and business of committees of the Conservators.

PART III.

PROPERTY POWERS AND DUTIES OF THE CONSERVATORS.

General Provisions relating to Property Powers and Duties.

Estate of
Conservators
in Thames
before
passing of
this Act
continued.

58. Notwithstanding the repeal of any enactment or any alteration of the constitution of the Conservators by this Act effected all the estate right title and interest in and to the bed and soil and shores of the Thames and in and to all encroachments embankments and enclosures thereupon or therefrom and in and to all property real and personal which were immediately before the passing of this Act vested in the Conservators shall continue vested in them as if this Act had not been passed.

Reservation
of part of the
bed and soil.

59. Notwithstanding anything in this Act the portion of the bed or soil or shores of the Thames or any encroachment embankment or enclosure therefrom or thereupon in front of or immediately adjacent to any lands buildings or hereditaments whereof or whereto Her Majesty or any person or body in trust for her was or were at the commencement of this Act seised or entitled in possession reversion or remainder or which then were the property of any department of Her Majesty's Government or in the possession of any such department or any officers of the same shall not be vested in the Conservators but shall continue vested in or in trust for Her Majesty or in or in trust for such department or officers and be subject to the exercise therein of the same powers authorities rights and privileges as if this Act had not been passed.

Certain
powers etc. of
Conservators
continued.

60. Notwithstanding any alteration of the constitution of the Conservators by this Act effected all the powers and authorities rights and privileges with respect or relation to the conservancy and the preservation and regulation of the Thames and of the several rivers streams and water-courses within the flow and reflow of the tides of the Thames and upon the banks shores and wharfs of the Thames and the port of London which immediately before the passing of the Act of 1857 were vested in or might be exercised by or which had theretofore been exercised by Her Majesty in right of Her Crown or which at any time before the passing of the Act of 1857 were given or granted to or had been exercised by or which immediately before the passing of that Act were vested in or might be exercised by the mayor and commonalty and citizens of the city of London or by the mayor and aldermen of the said city or by the Common Council or by the

Lord Mayor of the said city by any statutory enactment in force immediately before the passing of this Act and not hereby repealed or by prescription usage or charter or otherwise and which were immediately before the passing of this Act vested in the Conservators shall continue vested in the Conservators as if this Act had not been passed to be by them exercised in the same manner and under and subject to the same restrictions as the same might have been respectively legally exercised by the Conservators if this Act had not been passed save only and except so far as the same may be varied by or be inconsistent with this Act.

61. Notwithstanding the repeal of any enactment or any alteration of the constitution of the Conservators by this Act effected—

(1) All deeds conveyances grants assurances assignments leases purchases sales mortgages bonds covenants agreements securities and contracts entered into or made and subsisting at the passing of this Act and then in force and all obligations and liabilities incurred before the passing of this Act shall be as binding and of as full force and effect in every respect against or in favour of and may be enforced as fully and effectually against or in favour of the Conservators as they would or might have been against or in favour of the Conservators if this Act had not been passed:

As to existing contracts etc. actions etc. officers etc. and other matters.

(2) Any action suit prosecution or other proceeding commenced before the passing of this Act either by or against the Conservators shall not abate or be discontinued or prejudicially affected by this Act but on the contrary shall continue and take effect both in favour of and against the Conservators in like manner to all intents as if this Act had not been passed:

(3) Every officer and servant of the Conservators appointed by virtue of or acting under the Acts by this Act repealed or any of those Acts shall hold and enjoy his office and employment with the salary and emoluments thereunto annexed and be deemed an officer and servant of the Conservators until he vacate or be removed from such office and employment and he shall have the power and authority for the purposes of this Act and be subject to the power of removal rules regulations pains and penalties which he would have had if he had been appointed after the passing of this Act:

(4) The Conservators shall for the purposes of this Act be and continue seised and possessed of and entitled to all things in action claims and demands whatsoever of or to which the Conservators immediately before the passing of this Act were seised possessed or entitled:

(5) All duties of tonnage charges tolls fees rents fines forfeitures penalties damages and other sums of money at the passing of this Act due or accruing due to the Conservators may be collected and recovered by the Conservators as if this Act had not been passed:

(6) All books and documents which if this Act had not been passed would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed:

(7) Everything before the passing of this Act done suffered and confirmed respectively shall be as valid as if this Act had not been passed.

62. Subject to the provisions of this Act and upon lands belonging to the Conservators or upon the bed of the Thames the Conservators may from time to time improve and complete the navigation of the Thames whether for profit or pleasure and may from time to time make erect maintain alter extend discontinue remake and re-erect all such towpaths banks roads bridges ferries and ways for the towing of vessels (with horses or otherwise) and all such locks pounds turnpikes wharfs weirs bucks sluices winches dams flood-gates engines toll-houses and watch-houses for the completing and carrying on and for the use of

General powers as to works for navigation.

the navigation of the Thames whether for profit or pleasure as they think fit and supply all such locks and pounds with water and for the purposes of making erecting maintaining altering extending remaking and re-erecting any such locks or pounds in upon or from such lands or bed as aforesaid bore dig cut trench sough get remove take and carry away earth clay stone gravel sand soil rubbish trees and roots.

Ferries
above
Teddington.

63. The Conservators may from time to time establish and maintain ferries across the Thames at such places above Teddington Lock as they think fit and may afterwards discontinue the same or any of them if they think fit. Provided always that no ferry shall be established under this section within one mile of any legal ferry or bridge at or in respect of which any toll was on the first day of August one thousand eight hundred and seventy (being the date of commencement of the Act of 1870) taken nor shall the establishment of any ferry under this section give a right of way over any towing-path or other place where a right of way does not at present exist.

Conservators
may enter on
lands to
survey etc.

64. For the purposes of this Act the Conservators their officers agents servants and workmen may at all reasonable times enter on any lands (other than lands vested in or in trust for Her Majesty or in trust for any department of Her Majesty's Government) in or near the Thames in order to survey and take levels thereof and to probe or bore for ascertaining the nature of the soil and to set out the line of any work by this Act authorised to be executed by the Conservators and to inspect and examine into the condition of any work the Conservators first giving not less than three nor more than fourteen days' notice in writing to the occupier of such lands and causing as little inconvenience as may be in the exercise of the powers of this section and making compensation for any damage thereby occasioned.

Certain
powers of
leasing heads
of water.

65. The Conservators may from time to time for such rents or other payments and periods and on and subject to such covenants conditions and restrictions as they think proper lease or grant licences under the hand of the chairman of the Conservators or the secretary to use for purposes for which water power is suitable heads of water from the Thames above Teddington Lock:

Provided that the powers of this section shall not be so exercised that any part of the Thames shall be thereby rendered less suitable for purposes of navigation whether for profit or pleasure or less suitable as a source of water supply to any person lawfully entitled to take water therefrom for purposes of supply or less suitable for the purpose of supplying water to any mill or other work whatsoever the owner or occupier whereof was at the passing of this Act and for the time being shall be lawfully entitled to such supply.

Conservators
to maintain
locks etc.

66. The Conservators shall from time to time maintain and repair all locks dams and weirs for the time being vested in them until removed by lawful authority and the Conservators shall have free access by land and water to every such lock dam or weir for all necessary purposes.

Right of
public to
use works of
Conservators.

67. Subject to the provisions of this Act and to any byelaws of the Conservators for the time being in force all persons shall have free liberty with horses cattle or vehicles to use any roads and ways except towpaths which shall for the time being belong to the Conservators and with vessels to use the locks for the time being belonging to the Conservators and the towpaths of the Thames for towing such vessels.

Officers etc.
of Conser-
vators not to
give prefer-
ences nor to
unnecessarily
obstruct
vessels.

68. If any officer or servant of the Conservators shall give undue preference to or unnecessarily retard or obstruct any vessel passing into through by over or out of any lock or from any one part to any other part of the Thames or in embarking landing loading or unloading persons or goods at any pier wharf weighbeam crane or other machine of the Conservators he shall for every such offence be liable to a penalty not exceeding forty shillings.

69. Any water bailiff or officer appointed by the Conservators to carry into execution any byelaws of the Conservators for the time being in force relating to fisheries and also any other person specially authorised in this behalf under the hand of the chairman of the Conservators or the secretary may enter into any vessel employed or about to be or having been employed on the Thames in taking or endeavouring to take fish and may therein search for fish unlawfully taken and any unlawful or prohibited net or apparatus for taking or destroying fish and may seize any such fish net or apparatus found therein and may also seize on the shores or banks of the Thames any fish unlawfully taken or any unlawful or prohibited net or apparatus for taking or destroying fish.

water bailiffs
officers etc.
to enter fish-
ing boats etc.

Any such water bailiff or officer or person shall with all practicable speed after so seizing any fish or net or apparatus bring the same before a Justice to be dealt with in pursuance of the byelaws of the Conservators for the time being in force or otherwise according to law.

70. The Conservators may purchase provide and maintain all such apparatus as they think necessary for assisting in rescuing persons from drowning searching for drowned persons and restoring animation to persons apparently drowned and may employ and reward assistants therein in such manner as the Conservators think fit.

Humane
apparatus
and assistants
may be
provided.

71. If any person wilfully does any of the following things namely:—

- (1) Cuts or injures or causes to be cut or injured any property of the Conservators;
- (2) Does anything whereby injury is caused to any property of the Conservators;
- (3) Opens or causes to be opened any lock gate paddle valve clough or sluice belonging to any lock or weir on the Thames;
- (4) Flushes or draws down or causes to be flushed or drawn down water from any lock or lock cut on the Thames;
- (5) Cuts breaks or injures or causes to be cut broken or injured any tree hedge fence embankment bridge post rail or other work upon any lands belonging to the Conservators or used for any of the purposes of this Act;
- (6) Injures any towpath of the Thames;

Penalties for
injuries to
property of
Conservators
etc.

he shall for every such offence be liable to a penalty not exceeding twenty pounds.

Rights of Navigation and Removal of Obstructions and Dangerous Erections.

72.—(1) Subject to the provisions of this Act it shall be lawful for all persons whether for pleasure or profit to go and be pass and repass in vessels over or upon any and every part of the Thames through which Thames water flows including all such backwaters creeks side-channels bays and inlets connected therewith as form parts of the said river.

Public right
of navigation.

(2) Provided that all private artificial cuts for purposes of drainage or irrigation and all artificial inlets for moats boathouses ponds or other like private purposes already made or hereafter to be made and all channels which by virtue of any conveyance from or agreement with the Conservators or the Commissioners acting under any of the Acts mentioned in Part II. of the First Schedule to this Act or by any lawful title had been enjoyed as private channels for the period of twenty years before the fourteenth day of August one thousand eight hundred and eighty-five (being the date of commencement of the Act of 1885) shall be deemed not to be parts of the Thames for the purposes of any provisions of this Act relating to rights of navigation and removal of obstructions and dangerous erections.

(3) Provided also that notwithstanding anything in this section the Conservators may from time to time exclude the public for a limited period from specified portions of the Thames for purposes connected with the

navigation or with any public work or uses or for the preservation of public order.

(4) The right of navigation in this section described shall be deemed to include a right to anchor moor or remain stationary for a reasonable time in the ordinary course of pleasure navigation subject to such restrictions as the Conservators may from time to time by byelaws determine and the Conservators shall make special regulations for the prevention of annoyance to any occupier of a riparian residence by reason of the loitering or delay of any house-boat or steam launch and for the prevention of the pollution of the Thames by the sewage of any house-boat or steam launch.

(5) Provided that nothing in this section or in any byelaw made thereunder shall be construed to deprive any riparian owner of any legal rights in the soil or bed of the Thames which he may now possess or of any legal remedies which he may now possess for prevention of anchoring mooring loitering or delay of any vessel or to give any riparian owner any right as against the public which he did not possess before the passing of this Act to exclude any person from entering upon or navigating any backwater creek channel bay inlet or other water.

(6) If any person obstructs the navigation in this section described by means of any weir bridge piles dam chain barrier or other impediment then unless the same or substantially the same had been maintained for the period of twenty years before the fourteenth day of August one thousand eight hundred and eighty-five (being the date of commencement of the Act of 1885) and if the Conservators by notice in writing require him to remove the same within a time to be specified in such notice such person shall comply with such notice and if he do not do so he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

73. [*Persons not to moor in Taplow Mill Stream.*]

74. [*No tolls to be demanded for private locks.*]

As to drawing
down etc. of
water.

75.—(1) Subject to the provisions of this Act the Conservators from time to time may for the purpose of determining the height or depth of water at any place in the Thames fix in or at Teddington Lock and any lock on the Thames above that lock head-water and low-water and such other marks as they may deem necessary and may regulate as they think fit the opening shutting and management of the locks and works on the Thames and the drawing down or keeping back of the water by means of any of those locks or works.

(2) Provided that—

(A) The Conservators shall so regulate the said locks works and water as not to interfere in the case of any mill with the maintenance of as efficient a head of water for the purposes thereof as immediately before the sixth day of August one thousand eight hundred and sixty-six (being the date of commencement of the Act of 1866) might lawfully be maintained for those purposes so long as all the rights of the owner lessee and occupier of such mill to require the maintenance of such head of water shall not have been acquired by the Conservators;

(B) One month at the least before they fix any head-water mark at any place where no such mark existed on the ninth day of May one thousand eight hundred and ninety-four or alter the level of any such mark which existed on that day the Conservators shall publish once in a newspaper published and circulating in the neighbourhood of the place where they propose to fix or alter such mark and shall set up and thereafter during one month at the least keep conspicuously displayed at such place a notice setting forth at what place it is proposed to fix or alter such mark and the level at which it is proposed that such mark shall be;

(c) The powers of this section shall not be so exercised as to interfere with or prejudice the taking of water by any of the metropolitan water companies * at their respective intakes by gravitation or otherwise.

(3) The Conservators shall as far as reasonably practicable prevent the waters of the Thames being at any place above the level of any head-water mark for the time being fixed at such place.

(4) In case of any difference between the Conservators and the owner lessee or occupier of any mill relative to the exercise of the powers by this section vested in the Conservators or between the Conservators and the owner lessee or occupier of any land who shall within one month of the publication herein-before in this section mentioned have given notice in writing to the Conservators that he objects to the level at which they propose to fix any head-water mark on the ground that it is too high such difference shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

(5) If any owner lessee or occupier of any land shall suffer any damage by reason of the Conservators not complying with the provisions of this section relating to the prevention of water being at any place above the level of any head-water mark for the time being fixed at such place the Conservators shall pay to him such compensation as in case of difference shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade or where the amount of the compensation claimed does not exceed twenty pounds shall be determined by a court of summary jurisdiction.

(6) Notwithstanding anything in this Act but subject to any byelaws made thereunder any owner lessee or occupier of any mill may draw down the water to such extent and at such times as may reasonably be required for the repair of such mill or any flood-gates or waterworks belonging thereto and for the purpose of cleansing the mill stream.

76. The Conservators may from time to time prescribe levels at places on the Thames below which it shall not be lawful for the owner or occupier of any mill to draw down or lower the water in the Thames for the purpose of working his mill and any owner or occupier of any mill drawing down or lowering the water in the Thames below the prescribed level at any such place shall for every such offence be liable to a penalty not exceeding ten pounds:

Power to prevent mill-owners drawing down water below certain levels.

Provided always that if by reason of any such level being prescribed as aforesaid the owner or occupier of any mill is deprived of all or any part of any head of water for the purpose of working his mill to which he was theretofore lawfully entitled and suffers any loss or damage the Conservators shall pay to him such compensation as shall be determined in case of difference by an arbitrator to be appointed on the application of either party by the Board of Trade.

77. Whenever any vessel is sunk or stranded in the Thames the Conservators shall cause such vessel to be raised or to be blown up or otherwise destroyed so as to clear the Thames therefrom and shall cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also all or any part of the goods chattels and effects which may be raised or saved from any such vessel to be sold in such manner as they think fit and out of the proceeds of such sale shall reimburse themselves for the expenses incurred by them under this section and any expense incurred by them in watching or controlling such vessel and shall hold the surplus if any of such proceeds in trust for the persons entitled thereto and in case such proceeds shall be insufficient to reimburse the Conservators such expenses the deficiency shall be paid to the Conservators by the owner of such vessel upon demand and in default of payment may be recovered in the same manner as any

As to vessels sunk or stranded.

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

penalty imposed by this Act may be recovered or may be recovered as a debt in any court of competent jurisdiction.

Obstruction
may be
removed.

78. Subject to the provisions of this Act the Conservators may remove any thing causing an obstruction in the Thames or to the proper use of any towpath thereof and also any floating timber which impedes the navigation thereof and the expense of removing any such thing or floating timber shall be repaid to the Conservators by the owner of the same and the Conservators may detain such thing or floating timber for securing reimbursement to themselves for such expenses and on nonpayment thereof on demand may sell such thing or floating timber and out of the proceeds reimburse themselves for such expenses rendering the surplus if any to the owner on demand and in case such proceeds shall be insufficient to reimburse the Conservators such expenses the deficiency shall be paid to the Conservators by such owner on demand and in default of payment may be recovered in the same manner as any penalty imposed by this Act may be recovered or may be recovered as a debt in any court of competent jurisdiction.

As to cutting
trees ob-
structing
navigation or
towpaths.

79. Whenever the navigation of the Thames or the proper use of any towpath thereof is obstructed by any tree bush shrub or projection the Conservators may apply to a court of summary jurisdiction for an order upon the owner or occupier of the land whereon such tree bush shrub or projection grows or is fixed to cut prune or lop such tree bush or shrub or to remove such projection so that the navigation of the Thames or the proper use of the towpath be not obstructed thereby and such court may make such order and if such owner or occupier shall not comply therewith within a time to be specified therein the Conservators may cut prune or lop such tree bush or shrub or remove such projection and recover in the same manner as any penalty imposed by this Act may be recovered or recover as a debt in any court of competent jurisdiction the expenses thereby incurred from such owner or occupier and such owner or occupier shall also be liable to a penalty not exceeding forty shillings for every day during which such order remains not complied with.

Wharves
piers and
banks to be
repaired.

80. Whenever in the opinion of the Conservators any wharf pier or artificial bank or any portion thereof respectively is out of repair or insecure so as to be dangerous to any person passing along the Thames or to any vessel either moored alongside of or passing by the same or is in any manner injurious or likely to be injurious to the Thames or to the free navigation thereof the Conservators by notice in writing given to the owner or occupier of such wharf pier or bank or if such owner or occupier cannot be found left upon or affixed to such wharf pier or bank may require the owner or occupier thereof to repair such wharf pier or bank to the satisfaction of an engineer of the Conservators within a time to be specified in such notice and in case the owner or occupier does not comply with such notice the Conservators may put such wharf pier or bank into repair and recover as a debt in any court of competent jurisdiction the expenses incurred thereby from the owner or occupier thereof or the owner or occupier of any house or land to which such wharf pier or bank may belong or with which the same may be connected and used and such owner or occupier shall also be liable to a penalty not exceeding ten pounds for every day during which such wharf pier or bank continues out of repair after the expiration of the time specified in the notice for the repair thereof :

Provided that no bank shall for the purposes of this section be deemed to be artificial by reason only of the owner or occupier thereof having constructed works for the protection thereof.

Broken piles
etc. to be
removed.

81. The Conservators may from time to time remove any broken dangerous or useless piles or mooring chains and other nuisances and remove or shorten any waterways causeways stairs or other projections injurious to the navigation of the Thames and any expenses incurred by

the Conservators under this section shall be recoverable by them as a debt with full costs of suit in any court of competent jurisdiction from the owner or occupier of the premises so removed or shortened:

Provided that the Conservators shall not except in case of emergency remove any such piles or mooring chain or other nuisance or remove or shorten any such waterway causeway stairs or other projection which shall respectively be above the City Stone above Staines Bridge unless they shall have given to the owner or occupier of such piles chain nuisance waterway causeway stairs or other projection notice in writing of their intention so to do seven days at the least before commencing so to do nor unless such owner or occupier shall not within seven days after receipt of such notice have failed to remove or shorten the same.

82. Every person who without lawful excuse (the proof whereof shall lie upon him) puts or causes or suffers to be upon any towpath of the Thames anything which obstructs the passage of persons or horses along such path and does not remove the same after notice in writing from the Conservators so to do within a reasonable time to be specified in such notice shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Preventing
obstructions
of towpaths.

Dredging and Ballasting.

83.* The Conservators may from time to time do all or any of the things following namely:—

Conservators'
powers as to
dredging
ballasting&c.

- (1) For the purpose of maintaining and improving and freeing or keeping free from obstruction the navigation of the Thames—
 - (a) Dredge cleanse and scour the Thames;
 - (b) Alter deepen restrict enlarge widen diminish lengthen shorten straighten and improve the bed and channel of the Thames;
 - (c) Reduce or remove any shoals shelves banks or other accumulations in the Thames;
 - (d) Abate or remove or cause to be abated or removed all impediments obstructions and annoyances and all nuisances and abuses whatsoever in the Thames or on the banks or shores thereof;

Provided that for the purposes of this sub-section the Thames shall be deemed to include so much of the estuary of the River Thames outside the limits of the jurisdiction of the Conservators of the River Medway and so much of the shores of such estuary as are westward of a straight line drawn from the Shoeburyness water tower in the county of Essex to Eastchurch Church in the county of Kent:

- (2) Dredge and raise from the Thames gravel sand and other substances for the purposes of making altering repairing and maintaining towing-paths and roads and straightening and improving the course of parts of the Thames by filling up and raising creeks inlets bends flats and sloblands in and adjoining to the Thames and constructing altering repairing and maintaining works executed or to be executed by or for them or belonging to them;

Provided that any gravel sand or other substance so dredged or raised above the City Stone above Staines Bridge shall only be used for any of the purposes aforesaid above the said City Stone:

- (3) Dredge and raise from the Thames below Teddington Lock ballast for the purpose of supplying the same to vessels in the Thames;
- (4) Carry away deposit sell or otherwise dispose of any gravel sand ballast and other substances raised by them under the powers conferred by this section and not required for the purpose for which the same was so raised:

* See 5 Edw. 7, c. xcvi. ss. 3 and 14.

(5) Undertake if they think fit the supplying of vessels in the Thames with ballast on such terms as they may from time to time think fit :

(6) Undertake if they think fit to place ballast on board vessels in the Thames or to unload ballast therefrom on such terms as they from time to time think fit.

Power to shorten bends.

* **84.** The Conservators for the purpose of improving the navigation or the flow of water may from time to time remove scour and take away any shoal mud bank or other accumulation in the Thames and also shorten any bend or remove any angle in the course of the Thames and for such purpose enter into agreements with the owners of land adjoining or in or near to the Thames for the purchase of land or otherwise to enable them to effect the same.

Banks may be cut.

* **85.** The Conservators may cut the banks of the Thames for the purpose of making enlarging or repairing any dock or canal or any drain sewer or watercourse or altering laying down or repairing any suction or other pipe or for any other purpose whatsoever or permit and suffer any person to cut the banks for any of the purposes aforesaid under such restrictions and upon such terms and conditions as the Conservators shall think proper to impose.

Power to deal with materials fill up creeks etc.

* **86.** The Conservators in connexion with the deposit by them of gravel sand and other substances raised or taken from the Thames below Teddington Lock by dredging or straightening thereof or in connexion with forming or repairing towing-paths or roads or with straightening and improving the course of parts of the Thames by filling up and raising creeks inlets bends flats and sloblands in and adjoining to the Thames by the use of gravel sand and other substances raised or taken from the Thames as aforesaid may in or upon lands belonging to the Conservators or in or upon the bed of the Thames place piles and make groynes retaining walls and other works and may sell and dispose of lands thereby filled up raised or reclaimed :

Provided that no such sale or disposition of any land between Teddington Lock and Yantlet Creek shall take place for a less sum than shall be certified to be the value of the land intended to be sold every such valuation being signed by the person for the time being appointed and approved in manner provided by the section of this Act whereof the marginal note is "Consideration for licence to be previously approved" and a copy of every such valuation shall be transmitted by the Conservators to the Commissioners of Woods as provided by that section and a statement of every such sale and disposition of any land between Teddington Lock and Yantlet Creek shall be included in the return to be from time to time transmitted in manner provided by the section of this Act whereof the marginal note is "Annual return of certain moneys received by Conservators to be sent to and certain annual payments to be made to Commissioners of Woods" and one equal third part of the consideration money for every such sale or disposition shall be from time to time paid over by the Conservators unto the Commissioners of Woods in manner provided by that section :

Provided also that this section shall not apply to any part of the Thames in front of or adjoining to any land for the time being belonging to the Crown. [See s. 239.]

Prohibition against dredging without licence of Conservators.

87. Any person with and in accordance with the licence of the Conservators under the hand of the chairman of the Conservators or the secretary may dredge and raise gravel sand ballast and other substances from the bed of the Thames other than that portion thereof mentioned in the section of this Act whereof the marginal note is "Reservation of part of the bed and soil" but subject to the provisions of this Act it shall not be lawful for any person other than the Conservators their agents servants

and workmen to dredge or raise any gravel sand ballast or other substance from the bed of the Thames other than that portion thereof mentioned in the said section except with and in accordance with such licence (proof of which licence shall lie on the person accused) and if any person acts in contravention of this enactment he shall for every such offence be liable to a penalty not exceeding twenty pounds without prejudice to any other remedy or proceeding against him. Provided that nothing in this section shall take away prejudice or affect the rights if any of dredging or raising gravel sand ballast or other substances from the bed of the Thames above the City Stone above Staines Bridge which would have been vested in or exercisable by the owners of the soil of such bed if this Act had not been passed. [See s. 59.]

88. Before commencing to dredge cleanse scour or deepen any part of the bed or channel of the Thames within twenty yards of any bridge over the Thames or of any pier or abutment of any such bridge or within twenty yards of the structure of any tunnel under the Thames the Conservators shall give to the owner of such bridge or tunnel as the case may be fourteen clear days' notice in writing of their intention so to do and stating the position depth and extent of the intended dredging cleansing scouring or deepening.

89. Notwithstanding anything in this Act the Conservators shall not without the previous consent of the West London Extension Railway Company in writing dredge cleanse scour or deepen any part of the bed or channel of the Thames under or within twenty yards of the bridge which carries the said company's railway over the Thames and which is referred to in section 60 of the West London Extension Railway Act 1859 to an extent exceeding thirty feet below the level of Trinity High Water Mark.

Pollution.

90. In the provisions of this Act relating to pollution the word "tributary" means and includes the whole and every part of any and every river stream watercourse cut dock canal channel and water being within all or any of the several counties of Gloucester Wilts Oxon Bucks Berks Hants Surrey Middlesex Herts Essex and Kent and administrative county of London and being within the catchment area of the Thames and communicating either directly or indirectly with the Thames except as follows:—

- (1) So much as is more than three miles from the Thames of every river stream watercourse cut dock canal channel and water which first communicates whether directly or indirectly with the Thames at a point eastward of the western boundary of the county of London;
- (2) So much of the River Lee as is above the south boundary stones in the Lee Conservancy Act 1868 mentioned;
- (3) Every river stream watercourse cut dock canal channel and water which is within the catchment area of so much of the River Lee as is above the said stones; and
- (4) Every cut dock and canal belonging to any of the dock companies established under the authority of Parliament at the port of London or to any other company established under such authority and owning any dock within that port.

91. It shall be the duty of the Conservators by all lawful and proper means to preserve and maintain at all times as far as may be the flow and purity of the water of the Thames and its tributaries down to the western boundary of the county of London and to cause the surface of the Thames and its tributaries within three miles of the Thames to be (as far as is reasonably practicable) effectually scavenged down to the said western boundary in order to the removal therefrom of substances liable to putrefaction.

Notice to be given before dredging in certain cases.

For the protection of the West London Extension Railway Company.

Interpretation in provisions of this Act relating to pollution.

Duty of Conservators to preserve flow and purity of water.

Prohibition
of throwing
ballast etc.
into river or
allowing
offensive
matter to
flow into it.

92. If any person without lawful excuse (the proof whereof shall lie upon him) does any of the following things namely:—

- (1) Unloads throws or puts or causes or suffers to fall any gravel or any substance which has been used as ballast or any stones earth mud ashes dirt soil or rubbish or any refuse from gas-works or other manufactories into the Thames or on the shore thereof;
- (2) Unloads throws or puts or causes or suffers to fall any such gravel or other thing as aforesaid into any tributary at any point within three miles of the Thames so that the same will or may be carried into the Thames;
- (3) Knowingly puts any such gravel or other thing as aforesaid in any place where the same is likely to be carried by floods or extraordinary tides into the Thames;
- (4) Wilfully causes or suffers any washing or other substance produced in making or supplying gas or any other offensive matter whether solid or fluid to flow or pass into the Thames or into any tributary;
- (5) Puts and allows to remain for more than forty-eight hours any heap or collection of manure ashes or other offensive matter whether solid or fluid upon any bank of the Thames or of any tributary at any point within three miles of the Thames or puts and allows to remain for more than forty-eight hours any such heap or collection near to the Thames or any tributary at any point within the distance aforesaid so that the same will or be likely to drain be blown or pass into the Thames or such tributary;

he shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

Where any offence against this enactment is committed from or out of a vessel the master and the owner of the vessel shall be liable to be proceeded against and punished under this enactment so that the master and the owner of the vessel be not both punished in respect of the same offence.

Any constable and any person whom a constable may call to his assistance may take into custody without warrant any person found committing any offence against sub-sections (1) (2) (3) or (4) of this enactment as to whose name and address such constable is not reasonably satisfied.

Provided always that sub-section (4) of this section shall not extend or apply to any vessel within the limits of the port of London and under the jurisdiction of the port sanitary authority thereof.

Sewage etc.
prohibited
from being
sent into
Thames etc.
where not
lawfully so
sent at pass-
ing of Act.

93. If any person does any of the following things namely:—

- (1) Opens into the Thames or into any tributary any sewer drain pipe or channel whereby sewage or any other offensive or injurious matter whether solid or fluid shall or is likely to flow or pass into the Thames or into such tributary;
- (2) Wilfully causes or without lawful excuse (the proof whereof shall lie upon him) suffers any sewage or matter aforesaid to flow or pass into the Thames or into any tributary down or through any sewer drain pipe or channel not at the passing of this Act lawfully used for that purpose;

he shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

Notice for
discontinu-
ance of
pollution.

94.—(1) Whenever any sewage or matter aforesaid is caused or suffered to flow or pass into the Thames or into any tributary then and in every such case even though such sewage or matter aforesaid had been lawfully so caused or suffered to flow or pass before the passing of this Act the Conservators shall give notice in writing to the person causing or suffering the same so to flow or pass requiring him within a time to be

specified in such notice but not being less than three months to discontinue such flow or passage.

(2) Provided that the Conservators may if they think fit at any time and from time to time extend the time specified in such notice by another notice in writing.

(3) And provided that if any person to whom any such notice is given thinks himself aggrieved by reason of the time allowed either by the original or by any subsequent notice not being sufficient he may not later than one month before the expiration of the time so allowed by writing delivered to the secretary demand an extension of such time and in case the Conservators refuse to comply with such demand the question of such extension shall be referred to an arbitrator appointed by agreement or failing agreement by the Board of Trade on the application of either party.

(4) Any person to whom any notice is under this section given by the Conservators shall notwithstanding anything in any other Act within the time allowed by such notice subject to any extension of such time as in this section provided discontinue the flow or passage of the sewage or matter to which the notice refers and in default of so doing shall be guilty of a misdemeanour and be liable on summary conviction thereof or on conviction thereof on indictment to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

(5) Provided that notwithstanding anything in this Act or in any Act incorporated therewith any proceeding in respect of such a misdemeanour may be removed by certiorari into the High Court.

95. Any notice given under the provisions of this Act relating to pollution by the Conservators to the owner or occupier of any land or premises shall continue in force notwithstanding any temporary or partial suspension of the flow or passage of sewage or matter aforesaid from such land or premises and notwithstanding any change in the ownership or occupation of such land or premises and shall affect the owners and occupiers of such land or premises in succession to the owner or occupier upon whom such notice was served in like manner in every respect and with the same obligations and consequences as though such successive owners or occupiers were the owner or occupier upon whom such notice was served.

Notice to affect successive owners etc.

96. When any such notice has been given with respect to the discontinuance of the flow or passage of any sewage or matter aforesaid from any land or premises used for manufacturing purposes and not situated in a town and for three years thereafter no proceedings have been taken by the Conservators in respect of any default in complying with such notice then and in every such case no proceeding shall be taken in respect of any such default unless the Conservators before commencing such proceedings have given a renewal or copy of such notice to the person liable in respect of such default and such person has suffered one month to elapse after the receipt of such notice and has not during such period complied with the requirements of such notice.

Proceedings for default not to be taken in certain cases.

97. Every notice given by the Conservators under the authority of the Acts by this Act repealed or of any of those Acts to the owner or occupier of any premises with respect to the discontinuance of the flow or passage of sewage or any other offensive or injurious matter from such premises shall notwithstanding the repeal of the said Acts continue in force and so far as any such notice was duly given shall be deemed to be a notice duly given for a like purpose under the authority of this Act. Provided that where any such notice requires anything to be discontinued within a time therein specified or where the said repealed Acts or any of those Acts required anything to be discontinued within any time from the giving of such notice prescribed by such Acts or any of those Acts or where under such Acts or any of those Acts such notice would if this Act had not been

Continuance of notices given before passing of this Act.

passed be in force for any prescribed time then in any and every of those cases such time shall be reckoned as it would have been reckoned if this Act had not been passed.

Power to enter and inspect lands etc. for purposes of this part of Act.

98. For the purpose of giving effect to the provisions of this Act relating to pollution the Conservators and their officers on producing if required so to do a certificate of their personal authority signed by the secretary may from time to time and at any time between the hours of nine in the forenoon and four in the afternoon enter upon any land or premises for the purpose of examining and laying open the same and if admission is refused any court of summary jurisdiction on complaint thereof on oath by any officer of the Conservators (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the land or premises) may by order require the person having custody of the land or premises to admit during the hours aforesaid the Conservators and their officers or any of them upon the land or premises and to permit them or any of them to examine and lay open the same and if no person having custody of the land or premises can be found the court shall on oath made before it of that fact by order authorise the Conservators and their officers or any of them during the hours aforesaid to enter upon such land or premises and to examine and lay open the same.

Any order made under this section shall continue in force until the examination and laying open of the land or premises for the purposes of which such order was made are completed.

Any person who refuses to obey an order made under this section shall be liable to a penalty not exceeding five pounds.

Where in the exercise of any of the powers by this section conferred the Conservators and their officers or any of them lay or lays open any land or premises they or he shall forthwith make and complete such examination and fill in and make good the surface of such land and restore the same or such premises (as the case may be) as near as may be to the former condition thereof.

Where any person sustains any damage by reason of the exercise of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Conservators and any dispute as to the fact of damage or amount of compensation shall in default of agreement be ascertained by and recovered before a court of summary jurisdiction. Provided always that the provisions of this section shall not apply within the limits of the port of London under the jurisdiction of the port sanitary authority thereof.

[See 54 & 55 Vict. c. 76, s. 111 and note thereon.]

Sanitary authorities owners and occupiers to afford information.

99. For the purpose of giving effect to the provisions of this Act relating to pollution the urban or rural sanitary authority of any district in which and every person owning or occupying any lands on in through or under which any sewer or drain being within all or any of the several counties of Gloucester Wilts Oxon Bucks Berks Hants Surrey Middlesex Herts Essex and Kent and administrative county of London and being within the catchment area of the Thames exclusive of the catchment area of so much of the River Lee as is above the south boundary stones in the Lee Conservancy Act 1868 mentioned is situate shall within twenty-eight days after application in writing therefor made to such authority or person (as the case may be) by the Conservators (such application being addressed in the case of a sanitary authority to the clerk of such authority) produce for inspection by the Conservators all such plans (in his possession) of and if requested so to do furnish to the Conservators at reasonable charges to be paid by the Conservators copies of all such plans of such sewer or drain as and furnish to the Conservators all such information as to such sewer or drain and the ownership of or control over the same as such authority or person (as the case may be) may be able to produce or furnish and if any such authority or person (as the case may be) shall make default in

so doing they or he (as the case may be) shall be liable for every such offence to a penalty not exceeding five pounds.

100. After the conviction of any person of an offence against the provisions of the sections of this Act whereof the marginal notes are "Sewage etc. prohibited from being sent into Thames etc. where not lawfully so sent at passing of Act" and "Notice for discontinuance of pollution" or of either of those sections the Conservators may with the sanction of the court which so convicted such person (but not otherwise) stop up the outlet of any sewer drain pipe or channel in respect of or by means of which such offence was committed or whereby flowed or passed the sewage or matter for not discontinuing the flow or passage of which such person was convicted of an offence as aforesaid and for that purpose may do all works that appear to them requisite and may enter on any lands and the court may order that the Conservators may recover from the person offending all expenses incurred by them in so doing with costs either as a penalty under this Act is recoverable or as a debt in any court of competent jurisdiction. If any person at any time prevents obstructs or hinders the Conservators from or in stopping up any outlet as aforesaid or unstops or damages any works for stopping up any outlet stopped up by the Conservators under this section he shall for every such offence be liable to a penalty not exceeding twenty pounds:

Power to stop up outlets of sewers, etc.

Provided that no sewer drain pipe or channel discharging into the Thames below Teddington Lock and vested in any local authority shall be stopped up if such local authority have taken or be taking all practical means to procure the conviction of the actual offender. [See ss. 93 and 94.]

101. The Conservators and their officers or any of them on producing if required so to do a certificate of their or his personal authority signed by the secretary may once in every year and at any other time when they or he have or has reasonable cause to suspect that any alteration has been made since the last inspection in the sanitary arrangements of the vessel board and inspect at any reasonable time every part of any vessel being in the Thames above Teddington Lock for the purpose of ascertaining whether any sewage or any other offensive or injurious matter whether solid or fluid is passing or can pass into the Thames from or out of such vessel. If any person obstructs or hinders the Conservators and their officers or any of them in the exercise of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

For preventing pollution power to board and inspect vessels in Thames above Teddington Lock.

102. All persons cutting and also all persons employing others to cut or knowingly suffering persons in their employ to cut weeds grass or other vegetation in the Thames or in any tributary shall remove or cause to be removed therefrom such weeds grass or other vegetation immediately after the cutting thereof so as to prevent their remaining in and decaying and contaminating the water of the Thames and no person shall throw or sweep or employ any other person to throw or sweep or knowingly suffer any person in his employ to throw or sweep any weeds grass or other vegetation into the Thames or into any tributary and every person who acts in contravention of this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Weeds, etc. not to be thrown in Thames.

103. It shall not be competent for any person other than the Conservators their officers attorneys solicitors or agents to institute or carry on any proceeding or prosecution under the provisions of this Act relating to pollution. [See the *Rivers Pollution Prevention Act 1876*, s. 8.]

Right to prosecute to be in Conservators only.

104. Nothing in the provisions of this Act relating to pollution shall be deemed to legalise or permit any nuisance or shall take away or prejudicially affect any remedy or right which any person would or might have had or exercised if this Act had not been passed as against any person for the time being causing or suffering the flow or passage of any sewage or matter as aforesaid.

Act not to legalise nuisances or affect other remedies.

Provision as to West Ham Corporation.

105. With respect to the sewerage works of the mayor aldermen and burgesses of the borough of West Ham (in this section referred to as "the corporation") nothing in this part of this Act shall prejudice or affect the right of the corporation to continue the flow or passage of sewage through the lower of their two present outfalls situate near the West Marsh sluice in the River Lee if and so long as they shall make provision by proper depositing tanks and filter beds or otherwise by the best known practicable process for the purification clarifying and disinfecting sewage in the works belonging to them or under their control and if and so long as the effluent water is clarified and disinfected so as not to be offensive or injurious in the judgment of the Conservators or in case of difference in the judgment of an arbitrator appointed by the Board of Trade on the application of either party the corporation may discharge such effluent through such lower outfall.

For protection of cultivation of watercress.

106. Nothing in the provisions of this Act relating to pollution shall prevent the owners lessees or occupiers of watercress beds using any streams channels springs of water or works in connexion therewith for the proper cultivation of watercress by any of the best known methods or from opening any such drains pipes or channels as may be required for the purpose of passing water through any such beds into any tributary.

For protection of Medway Conservators.

107. Nothing in the provisions of this Act relating to pollution shall extend to the River Medway or in any way affect the rights and powers of the Conservators of the said River Medway.

For protection of Victoria Steamboat Association.

108. The provisions of sub-section (4) of the section of this Act whereof the marginal note is "Prohibition of throwing ballast etc. into river or allowing offensive matter to flow into it" and the provisions of the section of this Act whereof the marginal note is "For preventing pollution power to board and inspect vessels in Thames above Teddington Lock" shall not apply to the vessels of the Victoria Steamboat Association Limited* or their successors certified by the Board of Trade as passenger steamers to carry three hundred or more passengers whilst such vessels are bonâ fide engaged in the business of the said association or their successors below Molesey Lock.

Licences and Permissions for Works.

Conservators may license docks piers embankments etc.

109. The Conservators may from time to time for a fair and reasonable consideration (such consideration to be either a sum in gross or an annual rent or partly a sum in gross and partly an annual rent and so far as a sum in gross to be paid at the time of granting the licence) and upon such terms and subject to such restrictions as they think proper grant to any owner or occupier of any land adjoining the Thames a licence under the hand of the chairman of the Conservators or the secretary for all or any of the following purposes namely:—

- (1) For the making of any dock basin pier jetty wharf bank quay or embankment wall or other work immediately in front of his land and into the body of the said river:
- (2) For the formation of such recesses docks or beds for boats and barges and dwarf wharfing and for the driving of such piles and for such stone pitching and other works as the Conservators deem necessary or proper for the convenient use protection and improvement of his land and the placing and mooring of vessels in such line and at such levels as appear to the Conservators necessary or proper for the trade and convenient enjoyment of his land without injurious interference with the navigation of the Thames or its future improvement:
- (3) For the erection at the places where the piers or landing-places by this Act authorised to be erected are to be erected of piers

* This company went into liquidation in 1896, and in 1897 the Thames Steamboat Company was formed, which took over the boats of the first mentioned company.

or landing-places in such positions and of such form and construction as the Conservators shall consider most advantageous to the public and as causing the least obstruction to the navigation of the Thames and for the driving of piles and the formation of dwarf wharfing ways and other conveniences to his land:

And the Conservators (provided that power so to do was expressly reserved by or that notice of the following provisions of this section was endorsed on the licence authorising the erection driving or formation of any pier landing-place piles dwarf wharfing way or other convenience) may from time to time require the form and construction of such pier or landing-place and the position of such piles and the mode of forming such dwarf wharfing way or other convenience to be altered by and at the expense of the owner of or person licensed to erect drive or form the same and also require such pier landing-place piles dwarf wharfing way or other convenience to be removed and taken away by and at the expense of the owner of or person licensed to erect drive or form the same and in case any such pier landing-place piles dwarf wharfing place or other convenience shall not be altered or removed within seven days after notice in writing from the Conservators to alter or remove the same shall have been given to the owner of or person licensed to erect drive or form the same or if such owner or person or his address is unknown to the Conservators shall have been left upon or affixed to such pier or landing-place or any part thereof the Conservators may alter or remove such pier landing-place piles dwarf wharfing way or other convenience in the same manner as under the authority of this Act they may abate or remove any other nuisance.

110. The Conservators may from time to time for a fair and reasonable rent and upon such terms and subject to such restrictions as they think proper grant to any person on his application therefor a licence under the hand of the chairman of the Conservators or the secretary to erect establish and use any stages cranes apparatus and other machinery in or upon the bed or shores of or afloat in the Thames below Teddington Lock suitable and convenient for the unloading and discharging by steam hydraulic or other power of vessels and from time to time to order and direct such stages cranes apparatus and other machinery or any of them to be removed. Provided that notice of any application for any such licence shall be inserted in the London Gazette and in four daily morning newspapers published and circulating in London and be given to the owners and occupiers of any land on the banks of the Thames in front of which such erection is to be placed at least two months before such licence is granted.

Power to
license stages
cranes etc.
in Thames
below
Teddington
Lock for
discharging
vessels.

111. No person shall make or form any recess dock bed for boats or barges basin pier jetty landing-place wharf bank dwarf wharfing way quay or embankment wall or other work or drive any piles or do any stone pitching in or upon the bed or shores of the Thames or erect establish or use any stage crane apparatus or other machinery in or upon the bed or shores of or afloat in the Thames below Teddington Lock for the unloading or discharging of vessels without a licence under the hand of the chairman of the Conservators or the secretary.

No erections
or works in
Thames below
Teddington
Lock or on
shores thereof
without
licence.

112. The Conservators may from time to time put down or place and maintain in such situations in the Thames as they think fit all such mooring chains as they think necessary or convenient.

Mooring
chains to be
put down and
maintained.

113. The Conservators may from time to time purchase by agreement any private mooring chains.

Private moor-
ing chains
may be pur-
chased.

114. After the passing of this Act no mooring chain shall be put down or placed in the Thames without the permission of the Conservators and every mooring chain which shall be put down or placed in the Thames shall be so continued only during the pleasure of the Conservators and the Conservators may at any time by giving one week's notice in writing require such mooring chain to be removed and in case default shall be

No mooring
chains to be
laid down
without per-
mission of
Conservators.

made in such removal beyond the time to be mentioned in such notice such mooring chain may be removed by the Conservators.

Private mooring chains in tideway may be removed.

115. The Conservators may remove any private mooring chain within the tideway of the Thames making compensation to the owner thereof for any loss or damage which he may sustain in consequence of such removal such compensation to be ascertained in the manner provided for the taking of land by the Lands Clauses Acts.

Consideration for licence to be previously approved.

116. The consideration for any licence or permission of the Conservators granted for doing in or upon the bed or shores of or afloat in the Thames below Teddington Lock any of the following things namely for making forming or maintaining any recess dock bed for boats or barges basin pier jetty landing-place wharf bank dwarf wharfing way quay or embankment wall or other work or driving any piles or doing any stone pitching or erecting establishing or using any stage crane apparatus or other machinery for the unloading or discharging of vessels or laying down any mooring chains and whether such licence or permission shall be granted for the first time or shall be by way of renewal or continuance of any licence or permission heretofore granted by the mayor and commonalty and citizens of the city of London shall be such as in the judgment of some competent person (to be once in every year appointed by the Conservators and approved in writing by one of the Commissioners of Woods) shall be deemed to be the true and fair worth or value thereof to the person obtaining such licence or permission and no such licence or permission shall be granted by the Conservators without a previous valuation being made by such competent person as aforesaid and every such valuation shall be signed and certified by the person making the same to be true and accurate to the best of his judgment and belief and a copy thereof shall be transmitted by the Conservators to the Commissioners of Woods.

Land embanked to vest in the owner of the land in front of which the embankment is made.

117. When and as soon as any embankment shall have been made under any licence and the conditions if any of such licence shall by any endorsement thereon under the hand of the secretary have been certified to be performed such certificate being evidence of the embankment having been duly made the land reclaimed by any such embankment shall vest in and be enjoyed by the same persons for such and the same estates and interests and shall pass by the same wills and be subject to such and the same uses and be held upon such and the same trusts and for such and the same ends intents and purposes and with under and subject to such and the same powers provisos declarations agreements leases mortgages annuities charges liens and incumbrances rents services and customs as the land immediately in front of which such embankment shall have been made and in respect of which the licence to make such embankment shall have been granted and whenever any embankment shall have been made in front of any land of freehold tenure the land reclaimed by such embankment shall be deemed of freehold tenure and whenever any embankment shall have been made in front of any land of copyhold or customary tenure the land reclaimed by such embankment shall be deemed of copyhold or customary tenure and shall be held of the lord of the same manor or lordship under the same rents and by the same customs and services and shall pass by the like surrenders and admittances as the copyhold or customary lands in front of which the embankment was made and whenever any embankment shall have been made in front of any land of leasehold tenure the lands reclaimed by such embankment shall in like manner be deemed leasehold and shall (unless any agreement to the contrary be made between the lessor and lessee) be held under the same rents and covenants as the land in front of which the embankment was made and the remainder or reversion of the land so acquired shall be vested in the same lessors as the remainder or reversion of the lands in front of which the embankment was made was vested at the time of making such embankment.

118. The provisions of this Act relating to licences and permissions for saving for works shall not apply to or affect any works or powers of executing certain works altering or maintaining works before the passing of this Act authorised and powers, or conferred under or by virtue of any Act.

Piers and Landing-places.

119. The Conservators may from time to time as they shall deem necessary for the convenience of the public erect at any convenient places below Teddington Lock piers or landing-places of such form and construction as they shall deem most advantageous to the public and causing the least obstruction to the navigation of the Thames and also alter the form and construction of such piers or landing-places and also shut up or remove any such piers or landing-places without being obliged to erect or provide any other piers or landing-places in lieu of any so shut up or removed.

120. The Conservators may from time to time if they think fit let on lease to any person who may be willing to take the same for such time not exceeding three years and at such rent as may be mutually agreed upon any such pier or landing-place or the right to receive such tolls as the Conservators shall have previously appointed to be taken at any such pier or landing-place and every such lessee shall have the same rights powers and authorities for taking receiving and recovering such tolls as are by this Act given to the Conservators or to any of their officers.

121. Before the Conservators erect or grant any licence for the erection of any pier or landing-place they shall give one month's notice of their intention so to do by advertisement in two daily morning newspapers published and circulating in London and also cause one month's notice of such intention to be served upon the person in charge of any pier or landing-place established in the Thames by Act of Parliament and upon the person in charge of any pier or landing-place existing in the Thames on the first day of July one thousand eight hundred and fifty-seven which shall be within three hundred feet of the pier or landing-place proposed to be erected. Provided always that nothing herein contained or anything done in pursuance of the directions herein contained shall be deemed or construed to give to any person owning or having charge of any pier existing in the Thames previously to the said first day of July any rights power or authority beyond those possessed by him or his predecessors in title before the seventeenth day of August one thousand eight hundred and fifty-seven being the date of commencement of the Act of 1857.

122. The Conservators may provide proper approaches and avenues to such piers or landing-places and cause such piers landing-places avenues and approaches to be kept in good repair and well and sufficiently lighted watched and cleansed.

123. Officers and servants of the Conservators appointed by them to perform duties at the piers or landing-places of the Conservators may preserve order on or at such piers or landing-places and the avenues and approaches thereto and prevent the intrusion thereon of persons who have no intention of embarking on board any vessel from such piers or landing-places and may remove persons unnecessarily lingering or loitering on or about such piers or landing-places and may assist vessels in making fast to such piers or landing-places.

124. Whenever the Conservators shall shut up remove or take away or in any manner obstruct the free use and enjoyment of any existing public stairs or landing-places now marked by the Watermen's Company they shall cause some equally convenient free public stairs or landing-place to be erected or provided and thereafter maintained in the place or stead of the stairs or landing-place so shut up removed or taken away or the free use and enjoyment of which may be in any manner obstructed.

Conservators may erect piers and landing-places.

Conservators may let piers and landing-places.

Notice to be given previously to the erection or licensing of any pier.

Piers to be kept in repair lighted and cleansed.

Preservation of order etc. at piers etc.

Free public stairs or landing-places to be provided in lieu of those taken away by the Conservators.

Conservators may take toll from steam-boats using the piers.

125. The Conservators may from time to time erect and maintain such toll houses or other conveniences on or near each pier or landing-place erected by them as they think fit and tolls not exceeding those for the time being authorised by this Act or any byelaw made by the Conservators to be demanded and received at such pier or landing-place may be demanded and received at such pier or landing-place by such persons as the Conservators from time to time appoint before any steam or other passage vessel be permitted to make fast to or to moor or touch at such pier or landing-place for the purpose of landing or embarking passengers or goods.

Harbour-masters etc.

Harbour-masters to be approved by Trinity House.

126. No person shall be appointed by the Conservators to be a harbour-master unless such person shall after being duly examined by the Trinity House produce a certificate from them of his proper qualification to be a harbour-master.

Assistance of harbour-masters in their duties.

127. The Conservators may from time to time by resolution under the common seal authorise any one or more of their officers to assist the harbour-masters in the execution of their duties or may authorise any such officer to exercise alone all or any of the powers in the enactments herein-after in the provisions of this Act relating to harbour-masters etc. mentioned and those enactments shall be read as if the expression "harbour-master" wherever therein appearing included any officer so authorised.

Powers of harbour-masters.

128. Any harbour-master may give directions for all or any of the following purposes namely :—

For regulating the time and manner in which any vessel shall enter into go out of or lie in the Thames and the position mooring or unmooring placing or removing any vessel within the Thames ;

For regulating the manner in which any vessel within the Thames shall take in or discharge its cargo or any part thereof or shall take in or deliver ballast ;

For regulating the time and manner in which any vessel shall lie at any public draw dock or landing-place in the Thames and the position mooring or unmooring placing or removing any vessel lying thereat ;

For regulating the manner in which any vessel lying at any public draw dock or landing-place in the Thames shall take in or discharge its cargo or any part thereof or shall take in or deliver ballast :

Provided always that it shall not be lawful for such harbour-master to direct that any vessel shall lie or be within any part of the Thames where by any Act of Parliament it shall or may be directed that no vessel shall lie or be nor to unmoor or remove from any part of the Thames duly appointed as a boarding landing or quarantine station any vessel moored or placed there under the authority of the Commissioners of Customs nor to moor or place any vessel within low-water mark of or alongside any quay custom house station or other place appropriated to the service of the customs.

Penalty on not complying with directions of harbour-master.

129. The master of every vessel within the Thames or lying at any public draw dock or landing-place within those limits shall regulate such vessel according to the directions of any harbour-master made in conformity with this Act and any master of any vessel who after notice in writing signed by such harbour-master of any such direction served upon him shall not forthwith regulate such vessel according to such direction shall be liable to a penalty not exceeding five pounds.

Power of harbour-masters to remove vessels.

130. If the master of any vessel within the Thames or lying at any public draw dock or landing-place within those limits shall not moor unmoor place or remove such vessel according to the directions in writing of any harbour-master given to such master such harbour-master may cause

such vessel to be moored unmoored placed or removed according to the directions aforesaid and employ a sufficient number of persons for that purpose and the expenses thereby incurred shall be paid by such master and shall together with the costs of ascertaining and recovering the same be ascertained and recovered from such master in the same manner as any damages for the ascertaining and recovering of which no special provision is contained in this Act are directed to be ascertained and recovered.

131. If any master of any vessel within the Thames or lying at any public draw dock or landing-place or any other person shall hinder any harbour-master or any person employed by him in mooring unmooring placing or removing such vessel in manner aforesaid such master or other person shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on master for obstructing harbour-master.

132. If the master of any vessel moored or fastened within the Thames or any other person on board such vessel shall not upon demand of any harbour-master unloose or slacken the rope or chain by which such vessel is moored or fastened or if there be no person on board such vessel such harbour-master may unloose or slacken the rope or chain by which such vessel is moored or fastened and cause if necessary a sufficient number of persons for the protection of such vessel to be put on board the same and all expenses thereby incurred shall be paid by the master of such vessel and shall together with the costs of ascertaining and recovering the same be ascertained and recovered from such master in the same manner as any damages for the ascertaining and recovering of which no special provision is contained in this Act are directed to be ascertained and recovered.

Harbour-master may slacken ropes.

133. Any officer of the Conservators on producing if required so to do a certificate of his personal authority signed by the secretary may from time to time and at any time for any purpose of this Act enter into or upon any vessel within the Thames below Teddington Lock and inspect and examine such vessel and every part thereof.

Power to enter and inspect vessels.

134. Every officer of the Conservators thereunto authorised by them shall be entitled to prefer any complaint against any person licensed by the Watermen's Company before the court of master wardens and assistants of that company as well as before a Justice in the same manner as if he were an inspector appointed by the Watermen's Company.

Power to prefer complaints before Watermen's Company.

Beacons and Lights.

135. It shall be lawful for the Conservators from time to time to place and maintain such beacons as shall be necessary and convenient for the navigation of the Thames and such power shall be vested in the Conservators exclusively anything in Part VI. of the Merchant Shipping Act 1854 or in any other Act or in any charter or grant notwithstanding and the Conservators shall have the same authority over and be subject to the same obligations with respect to beacons before the thirty-first day of December one thousand eight hundred and sixty-four placed by the Trinity House within the jurisdiction of the Conservators as the Trinity House before that date had over or were subject to in respect of such beacons.

Conservators' powers as to beacons.

136. The Conservators shall not place any lighthouse below London Bridge.

Lighthouses.

137. The Conservators may by notice in writing require any person placing or using on or near the Thames below Teddington Lock any light which is in the opinion of the Conservators calculated to mislead persons navigating on the Thames below Teddington Lock or to interfere with the safe navigation of vessels upon the Thames below Teddington Lock from and after the receipt of such notice to screen alter extinguish remove or discontinue such light and if any person for the space of three days after

Conservators may require lights interfering with navigation to be removed.

the receipt of such notice refuse or fail to screen alter extinguish remove or discontinue any light so placed or used by him or if any person at any time after screening altering extinguishing removing or discontinuing any light with respect to which he shall have received any such notice replace or again use such light or place or use any other light in lieu thereof so that the same in the opinion of the Conservators is calculated to mislead persons navigating on the Thames below Teddington Lock or to interfere with the safe navigation of vessels upon the Thames below Teddington Lock such person shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding the like amount.

Pleasure Boats.

Registration
of steam
launches.

138.—(1) The Conservators on payment to them for the registration of any steam launch of the sum of one pound and delivery to them of a certificate in accordance with any byelaws of the Conservators for the time being in force of the name size and dimensions (including length from stem to stern) of such launch and of the name and address of the owner thereof shall assign to such launch a number and shall register such launch in a book to be kept by them for that purpose at their office together with the several particulars set forth in such certificate and the number assigned to such launch and shall grant to the owner of such launch a certificate of such registration bearing the number assigned to such launch and such certificate shall be in force for a period not exceeding one year from the date thereof and (unless renewed) no longer but the Conservators shall from time to time grant a renewal of such certificate from the first day of January in every year for the like period on payment of the sum of one pound in respect of every renewal and every such certificate and any renewal thereof is in this Act referred to as a “steam launch certificate.”

(2) The Conservators shall not register two or more steam launches in the same name and in case of any dispute as to which launch shall bear the name the launch which has longest borne the name shall be the launch to be registered in such name and registration of the other launch shall be deferred until the owner thereof shall have furnished a name for it which can be properly registered.

Registration
of house-
boats.

139.—(1) The Conservators on payment to them for the registration of any house-boat of the sum appointed by any byelaws of the Conservators for the time being in force and delivering to them on a form prescribed by such byelaws of such particulars concerning such boat (including the name and address of the owner thereof) as such byelaws require shall assign to such boat a number and shall register such boat in a book to be kept by them for that purpose at their office together with the several particulars aforesaid and the number assigned to such boat and shall grant to the owner of such boat a certificate of such registration bearing the number assigned to such boat and such certificate shall be in force for the period prescribed by such byelaws and (unless renewed) no longer but the Conservators shall from time to time grant a renewal of such certificate for the period and on payment of the sum in respect of every renewal respectively for the time being prescribed and appointed by such byelaws and every such certificate and any renewal thereof is in this Act referred to as a “house-boat certificate.”

(2) Provided that the sum to be paid for any registration of any house-boat or for any renewal of any “house-boat certificate” shall not exceed the sum following namely:—

In the case of a boat not more than thirty feet in length five pounds;

In the case of a boat more than thirty but not more than thirty-five feet in length six pounds;

and so on increasing by one pound in respect of every additional complete five feet and the fraction of an additional incomplete five feet in length.

(3) Provided also that the period for which any house-boat certificate shall be in force shall not be less than one year.

140.—(1) The Conservators on payment to them for the registration of any pleasure boat (other than a steam launch or house-boat) of the sum appointed by any byelaws of the Conservators for the time being in force and delivering to them on a form prescribed by such byelaws of such particulars concerning such vessel (including the name and address of the owner thereof) as such byelaws require shall assign to such vessel if not let and not intended to be let for hire a number crest badge or mark and if let or intended to be let for hire a number and shall register such vessel in a book to be kept by them for that purpose at their office together with the several particulars aforesaid and the number crest badge or mark assigned to such vessel and shall grant to the owner of such vessel a certificate of such registration bearing the number crest badge or mark assigned to such vessel and such certificate shall be in force for the period prescribed by such byelaws and (unless renewed) no longer but the Conservators shall from time to time grant a renewal of such certificate for the period and on payment of the sum in respect of every renewal respectively for the time being prescribed and appointed by such byelaws and every such certificate and any renewal thereof is in this Act referred to as a "boat certificate."

Registration of pleasure boats other than steam launches and house-boats.

(2) Provided that the sum to be paid for any registration of any pleasure boat (other than a steam launch or house-boat) or for any renewal of any boat certificate shall not exceed two shillings and six pence.

(3) Provided also that the period for which any boat certificate shall be in force shall be not less than three years.

141. The Conservators from time to time may if they think fit by byelaws classify house-boats and other pleasure boats (not being steam launches) whether for purposes of registration under this Act or for the purposes of the application of byelaws of the Conservators for the time being in force and may if they think fit exempt any class or classes so formed from having to be registered under this Act by byelaws specifying the reason for every such exemption.

Power to classify vessels and to exempt classes from registration.

142. The Conservators shall in registering pleasure boats place in separate lists those let or which may be let for hire and those not so let nor intended so to be.

Registers to separate vessels let for hire from those not so let.

143. Upon every transfer of the ownership of a pleasure boat in respect of which a steam launch certificate a house-boat certificate or a boat certificate as the case may be is in force the transferor shall and the transferee may forthwith give notice of such transfer to the Conservators who shall in either case thereupon without charge grant to such transferee a fresh steam launch certificate boat-house certificate or boat certificate as the case may be in respect of such pleasure boat for the period for which the existing certificate is unexpired and shall cause his name and address to be inserted in the register in the place of those of the transferor and until such notice shall have been given the transferor shall for all the purposes of this Act and of any byelaws of the Conservators for the time being in force be deemed to be the owner of such pleasure boat.

Registration of transfers.

144. Where any pleasure boat registered under this part of this Act as belonging to any particular class of pleasure boats shall by reason of any alteration of such vessel cease to belong to that class the certificate of registration of such vessel in that class and every renewal of such certificate shall cease to be in force and for the purposes of the provisions of this part of this Act as to registration of pleasure boats and granting of certificates of registration and to renewals of such certificates and to sums payable to the Conservators on any such occasions the registering of any pleasure boat in any class other than that in which such vessel was

Registering etc. on alteration of class.

last previously registered shall be deemed an original registering of such vessel.

Registers to be open to inspection.

145. Every person shall be entitled during office hours to inspect the several registers of pleasure boats by this Act required to be kept on payment of one shilling for every inspection of every such register.

Name of steam launch to be conspicuously displayed.

146.—(1) Every steam launch registered under this Act shall have the registered name of such launch conspicuously and to the satisfaction of the Conservators or their officers painted in letters of such colour character and size as and upon a ground of such colour as the Conservators may prescribe upon each side of the bow and also upon the stern of such launch and if any steam launch registered under this Act is used for the purpose of navigating the Thames above Kew Bridge without the registered name of such launch being painted thereon as by this section required the owner of such launch shall for every such offence be liable to a penalty not exceeding five pounds.

House-boats and other pleasure boats to be conspicuously marked.

(2) Every house-boat and other pleasure boat (not being a steam launch) registered under this Act shall have the registered number crest badge or mark thereof displayed thereon in such manner size and place as the Conservators from time to time prescribe by byelaws for the time being in force.

Steam launches to carry certain lights.

147. Every steam launch registered under this Act shall when in course of navigation under mechanical power after sunset and before sunrise on any part of the Thames carry and exhibit the following lights namely :—

(1) On or before the foremast or if there be no foremast on the funnel or on a staff at the bow in either case at a height above the hull of not less than four feet a bright white light behind a glass shade or slide upon which the registered number of such launch shall be legibly and conspicuously painted in black figures ;

(2) On the starboard side a green light ; and

(3) On the port side a red light :

And every such light shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least one mile.

Where any steam launch is in course of navigation under mechanical power after sunset and before sunrise without carrying and exhibiting such lights in manner aforesaid the master of such launch shall be liable to a penalty not exceeding ten pounds.

Penalty for concealing name or number of steam launch.

148. Every person who knowingly causes or permits to be concealed the registered name of any steam launch while such launch is used for the purpose of navigating the Thames above Kew Bridge or the registered number of any steam launch while such launch is used for the purpose of navigating under mechanical power after sunset and before sunrise on any part of the Thames shall for every such offence be liable to a penalty not exceeding ten pounds.

Vessels not to be used without certificates.

149.—(1) No steam launch except as in this section provided shall at any time be used for the purpose of navigating the Thames above Kew Bridge and no house-boat or other pleasure-boat (not being a steam launch) unless exempted from registration as in this Act provided shall at any time be used on the Thames above Teddington Lock unless a steam launch certificate a boat-house certificate or a pleasure boat certificate as the case may be relating to such vessel be then in force.

(2) Provided nevertheless that the Conservators may issue to the builder or owner of any steam launch a licence for a bonâ fide trial trip to such launch and builders or owners to whom such licences are issued may make such trips without there being in force steam launch certificates relating to such launches.

(3) If at any time any steam launch except as in this section provided is used for the purpose of navigating the Thames above Kew Bridge there

not being then in force a steam launch certificate in respect of such launch the owner of such launch for every day on which such launch is so used shall be and every person using or assisting in using such launch when so used knowing that there is not then in force a steam launch certificate in respect of such launch for every day on which he with such knowledge so uses or assists in using such launch shall respectively be liable to a penalty of not less than five pounds nor more than ten pounds.

(4) The Conservators may from time to time make byelaws for the more effectually preventing contraventions of the provisions of this section prohibiting the user of house-boats and other pleasure boats (not being steam launches) unless certificated.

150. The master of any steam launch or house-boat in respect of which there is for the time being in force a steam launch certificate or a house-boat certificate as the case may be shall produce such steam launch certificate or house-boat certificate as the case may be on demand to any officer of the Conservators on his producing if required so to do a certificate of his personal authority signed by the secretary when such vessel if a steam launch is in course of navigation under mechanical power on the Thames above Kew Bridge or if a house-boat is being used on the Thames above Teddington Lock as the case may be and if any such master makes default in so doing he shall for every such offence be liable to a penalty not exceeding forty shillings.

151. In case any complaint shall be made to the Conservators as to the navigation of any pleasure boat registered under this Act then the registered owner of such boat shall upon the application in writing to him by the secretary for that purpose give all information in his power to the secretary as to the person who at any particular time was in charge of such boat and any registered owner refusing to give such information or by his own negligence or default being unable to give the same shall be guilty of an offence against this enactment and shall for every such offence be liable to a penalty not exceeding twenty pounds.

152. Every pleasure boat used on the Thames above Teddington Lock shall be deemed to be in charge of one person who shall be in every case the registered owner of such vessel or the person duly appointed or permitted by him to be in charge or the person hiring such vessel and in the absence of any such person then any person having control or being in command of such vessel.

153. Every person for the time being in charge of any pleasure boat on the Thames above Teddington Lock shall be responsible for the conduct of all persons on board such vessel and upon proof that an offence under this Act has been committed by any person on board such vessel on the Thames above Teddington Lock and that the person in charge has refused to give the name and address of the offender then the person in charge shall be deemed to have committed an offence under this Act.

154. Every vessel navigating the Thames shall be navigated with care and caution and at a speed and in such a manner as not to endanger the lives of or cause injury to persons or endanger the safety of or cause damage to other vessels or any moorings or to the banks of the Thames or other property.

Special care and caution shall be used in navigating vessels when passing vessels of all kinds especially those of the smaller classes and such as are employed in dredging or removing sunken vessels or other obstructions.

If the life of any person or the safety of any vessel mooring bank or other property is endangered or injury or damage is caused to any person vessel mooring bank or other property by a passing vessel the onus shall lie upon the master of such passing vessel to show that she was navigated with care and caution and at such a speed and in such manner as directed by this section.

The owner or person in charge of any vessel who in navigating such

vessel contravenes or fails to observe the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

If any person holding any steam launch certificate be twice convicted of any offence against this section such certificate shall forthwith thereafter cease to be of any force and it shall be in the discretion of the Conservators whether or not they will grant a fresh certificate to such person. And if there be two convictions of offences against this section arising out of the navigation of any one and the same steam launch in respect of which there is a steam launch certificate for the time being in force such certificate shall forthwith cease to be of any force and it shall be in the discretion of the Conservators whether or not they will grant a fresh certificate in respect of such launch.

For the purpose of enforcing this section the clerk to the justices before whom any conviction under it shall take place shall notify such conviction by letter to the secretary in all cases where the Conservators are not themselves the prosecutors.

Any person charged with an offence under this section shall be competent to give evidence. [See *The Criminal Evidence Act 1898*].

Duties of Tonnage Tolls etc.

Duties of
tonnage in
port of
London.

155. The Conservators may from time to time demand and receive in respect of vessels the duties of tonnage following namely:—

- (1) For every vessel trading coastwise between the port of London and any place in the British Islands or entering inwards or clearing outwards in the said port from or to any place north of latitude forty-eight degrees thirty minutes north and between longitudes twelve degrees west and sixty-five degrees east of Greenwich for every voyage both in and out of the said port one halfpenny per ton of her tonnage;
- (2) For every vessel entering inwards or clearing outwards in the port of London from or to any place not being north of the latitude and between the longitudes aforesaid for every voyage both in and out of the said port three-farthings per ton of her tonnage:

Provided that the word “tonnage” in this section means—

- (A) In the case of a vessel being a registered British ship the registered tonnage of such vessel;
- (B) In the case of a vessel being a foreign ship the tonnage of such vessel as recognised at the Custom House of the port of London:

Provided also that the following vessels shall be exempt from such duties of tonnage namely:—

- Any vessel trading coastwise between the port of London and any place in Great Britain unless such vessel shall exceed forty-five tons tonnage;
- Any vessel bringing corn coastwise the principal part of whose cargo shall consist of corn;
- All fishing smacks and lobster and oyster boats;
- All vessels for passengers only;
- Any vessel entering inwards or clearing outwards in the port of London in case her cargo is reported for exportation and ultimately such vessel leaves the said port without breaking bulk or taking in goods for the purpose of exportation;
- Any vessel entering the port of London inwards or going from the said port outwards when in ballast.

[Amended 5 Edw. 7, c. cxviii. s. 7.]

As to collec-
tion of duties
of tonnage.

156. Whereas by sections 142 and 144 of the Act of 1799 certain provisions were made with respect to the collection of duties of tonnage under that Act payable to His late Majesty King George the Third His heirs and successors:

And whereas by virtue of divers Acts duties of tonnage in lieu of the first-mentioned duties were immediately before the passing of this Act payable to the Conservators and the said provisions so far as applicable

applied *mutatis mutandis* with respect to the collection of the last-mentioned duties:

And whereas the duties of tonnage under this Act payable to the Conservators are in lieu of the last-mentioned duties and it is expedient that the provisions with respect to the collection thereof should *mutatis mutandis* be made applicable to the duties under this Act:

Be it therefore enacted as follows:—

- (1) The collectors of the duties of tonnage by this Act imposed and other officers of the Conservators shall at all reasonable times have at the Custom House of the port of London free access to and inspection of the registers and papers of every vessel resorting to the said port on or after her entry or clearance at such Custom House without any fee or reward for such access and inspection:
- (2) No collector of Her Majesty's Customs inwards or coastwise in the port of London shall on any pretence whatever allow any vessel on which duties of tonnage are by this Act imposed to be entered inwards until the master of such vessel shall have paid such duties and shall have produced to such collector a certificate under the hand of a person authorised by the Conservators to collect the said duties of tonnage certifying that the said duties payable on account of such vessel have been fully paid nor shall any collector of Her Majesty's Customs outwards or coastwise in the said port on any pretence whatever allow any vessel on which duties of tonnage are by this Act imposed to be cleared outwards until the master of such vessel shall have paid such duties which payment shall be evidenced by the signature of a person authorised by the Conservators to collect the said duties of tonnage to the content or other document which must necessarily be produced to the said collector of Her Majesty's Customs at the time of clearing such vessel outwards which certificate or signature any person authorised by the Conservators to collect the said duties of tonnage and receiving the same in respect of any vessel shall give and sign as regards such vessel accordingly without fee or reward.

Collectors of duties of tonnage to have access to registers of ships at Custom House.

Vessels not to be entered or cleared at customs until duties of tonnage paid.

157. The Conservators may from time to time demand and receive in respect of vessels not paying duties of tonnage leviable under this Act and using any of the moorings in the Thames belonging to the Conservators the charges appointed by byelaws of the Conservators for the time being in force.

Power to charge for use of moorings.

158. The Conservators may from time to time demand and receive in respect of vessels other than pleasure boats passing through by or over locks on the Thames other than the lock made under the Richmond Foot-bridge Sluices Lock and Slipway Act 1890 tolls not exceeding the following tolls namely:—

Lock tolls for vessels other than pleasure boats.

For every such vessel passing through by or over any such lock the toll of fourpence per ton in respect of every such lock so passed:

The said tolls shall be demanded and received once only in respect of each voyage including the passages upwards and downwards which the vessels respectively make but may be demanded and received in respect of the passage upwards or downwards in the case of vessels not returning.

159. The Conservators shall from time to time appoint by byelaw that in respect of vessels laden with manure only and passing through by or over all or any of the locks on the Thames above the City Stone above Staines Bridge no tolls or parts only of the tolls which would otherwise be leviable in respect of such vessels passing through by or over such locks shall be demanded:

As to vessels carrying manure.

Provided always that if any person claim the benefit of any such exemption not being entitled to the same he shall be liable to a penalty not exceeding ten pounds.

160. The Conservators may from time to time demand and receive in respect of vessels other than pleasure boats navigating on the Thames

Navigation tolls for

vessels other
than pleasure
boats.

westward of London Bridge (in addition to any tolls for passing through locks which they may be authorised to demand and receive in respect of such vessels) tolls not exceeding the following tolls namely:—

For such vessels navigating westward of London Bridge—

To Strand-on-the-Green Kew or Brentford one penny halfpenny per ton;

To Isleworth or Richmond two pence halfpenny per ton;

To Twickenham Ham or Teddington three pence halfpenny per ton;

To Kingston or Hampton Wick three pence per ton;

To Seething Wells Ditton Hampton Court Moulsey or Hampton four pence per ton;

To Sunbury Walton Shepperton or Weybridge four pence halfpenny per ton;

To Chertsey or Laleham five pence halfpenny per ton;

To Staines and upwards sixpence per ton:

The said tolls shall be demanded and received once only in respect of each voyage including the passages upwards and downwards which the vessels respectively make but may be demanded and received in respect of the passage upwards or downwards in the case of vessels not returning:

Provided that nothing in this section shall authorise the Conservators to demand or receive tolls in respect of any vessel navigating westward of London Bridge to or from any point eastward of Strand-on-the-Green.

How and to
whom tolls
to be paid.

161. The tolls herein-before mentioned shall be payable—

(1) In respect of vessels whether laden or empty according to the number of tons which such vessels are or would be capable of carrying if drawing the greatest depth of water which such vessels are for the time being allowed to draw or in the case of vessels not constructed to draw that depth of water according to the number of tons which such vessels are or would be capable of carrying when having but two inches of freeboard at the shallowest part of their sides:

(2) In respect of each vessel all together either on the upward or downward passage and be paid to such officer or officers of the Conservators at any one or more of the said locks or at such other place or places on or near the Thames and in such manner as the Conservators from time to time by byelaw appoint.

Masters of
vessels to
state on re-
quest names
and addresses
of owners
and where
bound.

162. The master of any vessel shall whenever requested so to do by any officer of the Conservators authorised to receive any of the duties of tonnage charges or tolls herein-before mentioned on his producing if required to do so a certificate of his personal authority signed by the secretary forthwith truly state to such officer the name and address of the owner of such vessel and the place or places to which such vessel is bound and in case of default shall for every such offence be liable to a penalty not exceeding five pounds.

Lock tolls
for pleasure
boats.

163. The Conservators may from time to time demand and receive in respect of pleasure boats passing through by or over locks on the Thames the tolls or annual payments appointed by byelaws of the Conservators for the time being in force but not exceeding the amounts mentioned in the Fourth Schedule to this Act.

Penalty on
forcing
passage not
having paid
toll.

164. If the master of any vessel eludes or evades or attempts to elude or evade the payment of any duty of tonnage payable under this Act or if any person forcibly passes or attempts to pass any vessel through by or over any lock without having duly paid the full amount of any toll herein-before mentioned payable in respect of such vessel such person shall for every such offence be liable to a penalty not exceeding ten pounds over and above the full amount of such duty or toll.

Tolls leviable
from steam
and other
passage ves-
sels at piers

165. The Conservators may from time to time demand and receive in respect of steam and other passage vessels landing or embarking any passengers or goods at or from any pier or landing-place erected by or belonging to them tolls not exceeding sixpence for each and every time of

calling at the same or in lieu of all or any part of such tolls the tolls by and landing-places elected to be demanded and received (either in all cases or in certain cases as defined by such byelaws) according to the number of passengers landed at or embarked from any such pier or landing-place: by Conservators.

Provided always that the Conservators may from time to time if they think fit permit steam and other passage vessels to land and embark passengers and goods at or from all or any of such piers and landing-places without the payment of any toll whatever.

166. The collector of the said tolls at any such pier or landing-place may prevent any vessel the master of which shall neglect or refuse to pay the proper amount of toll payable by him from making fast to or mooring or touching at such pier or landing-place. In case tolls not paid vessels may be prevented from using pier.

167. In case all or any part of any duty or tonnage charge or toll herein-before mentioned or all or any part of any sum payable under this Act to the Conservators in respect of the original registration or of the renewal of any registration of any steam launch house-boat or other pleasure boat (all or any part of any such sum being herein-after referred to as a "registration fee") is not paid on demand to the officer of the Conservators authorised by them to demand and receive the same then and in every such case the Conservators may recover such duty charge toll or registration fee or part thereof from the owner or master of such vessel in like manner as penalties under this Act are recoverable or as a debt in any court of competent jurisdiction or the officer to whom such duty charge toll or registration fee or part thereof ought to have been paid taking such assistance as he thinks necessary may either at the time of the vessel in respect of which the same is payable passing or being at any place appointed for receiving such duty charge toll or registration fee or at any time afterwards seize and detain such vessel (whether laden or empty) and the tackle and furniture on board thereof until payment of such duty charge toll or registration fee or part thereof together with reasonable charges for such seizure and detention and if such vessel tackle and furniture shall not be redeemed within five days after such seizure such officer may sell the same rendering to the owner thereof on demand the surplus if any of the proceeds of such sale after deducting therefrom the amount of such duty charge toll or registration fee or part thereof so payable as aforesaid and reimbursing himself the expense incurred by him under the provisions of this section. Provided always that no such officer shall be answerable for any loss injury or damage which may happen to such distress while in his custody unless the same shall happen through his wilful or grossly negligent act or default. Recovery of foregoing duties tolls etc.

168. If any dispute arise about the amount of any duty of tonnage charge toll or registration fee due under this Act or the charges of distraining keeping or selling any distress authorised by the provisions of this Act relating to duties of tonnage tolls etc. the officer of the Conservators distraining may detain the distress or the money arising from the sale thereof until the amount of duty charge toll or registration fee due or the charges of distraining keeping and selling the distress as the case may be shall be ascertained by a court of summary jurisdiction upon application made to him for that purpose shall examine the said matters upon the oaths of the parties or other witnesses and shall determine the amount of duty charge toll or registration fee due and shall also assess the charges of such distress and sale and all other reasonable costs all which sums so determined or assessed shall be paid to or retained by such officer before he shall be obliged to return the said distress or the surplus after the sale thereof or of any part thereof. Disputes respecting duties tolls etc. to be settled by a court of summary jurisdiction.

169. If any person shall remove any vessel lawfully detained by any officer of the Conservators on account of the non-payment of all or any part of any duty of tonnage charge toll or registration fee payable in respect of such vessel or on account of such vessel being laden contrary to Penalty for removing vessels detained.

the provisions of this Act out of the possession of such officer or away from or beyond the place where such officer shall have ordered that such vessel shall stop every such person shall for every such offence be liable to a penalty not exceeding ten pounds.

Notice of
tolls to be
given.

170. The tolls in this Act mentioned shall not be levied unless not less than four weeks at the least previously notice of such tolls shall have been inserted in the London Gazette and advertised in two daily morning newspapers published and circulating in London nor unless a statement of the amount of the tolls for the time being leviable shall be placed in some conspicuous part of the office of the Conservators. Provided that in every case in which notice of any such toll was inserted and advertised as aforesaid before the passing of this Act the said period of four weeks shall be reckoned from such insertion and advertisement.

Collectors to
put up their
names on
boards in
front of toll
houses.

171. Every officer of the Conservators authorised by them to collect any of the tolls in this Act mentioned shall place his christian and surname painted on a board in white letters on a black ground in legible characters of such size as the Conservators shall direct in the front or some other conspicuous part of the toll house if any where he shall be stationed to collect the said tolls immediately upon his coming on duty and shall continue the same so placed during the whole time he is upon duty and if any such officer do not place and continue such board placed as aforesaid or demands or takes a toll greater or less than that authorised or in anywise hinders any person from reading such christian or surname or any table of tolls there set up or refuses to tell his christian or surname to any person who demands the same having paid the toll demanded or gives a false name upon such demand he shall for every such offence be liable to a penalty not exceeding five pounds.

Tables of
tolls to be
affixed at
places where
collected.

172. The Conservators shall from time to time cause to be painted on boards or written on paper in distinct and legible characters and affixed and continued conspicuously at every place where they are authorised to demand and receive tolls tables of the tolls authorised to be taken thereat and no toll shall be demanded of any person at any such place during such time as such board or paper is not so affixed. Provided always that if any such board or paper shall be destroyed injured or obliterated such toll shall continue payable during such time as may be reasonably required for the restoration or reparation of such board or paper in the same manner as if the same had continued affixed and in the state required by this Act.

Tolls for
ferries.

173. The Conservators may from time to time demand and receive in respect of ferries across the Thames above Teddington Lock established and maintained by them and for the use of ferry boats belonging to them the tolls appointed by byelaws of the Conservators for the time being in force.

Power to
make ar-
rangements
as to tolls.

174. The Conservators in conformity with any byelaws regulating the receipt of tolls may from time to time enter into and execute agreements with persons liable to pay tolls with respect to the mode and times for the collection and payment thereof or the payment of annual or other periodical sums by way of composition therefor:

Provided always that the Conservators shall not by or under any such agreement or arrangement make or give any undue or unreasonable preference or advantage to or in favour of any particular person or any particular description of traffic in any respect whatsoever or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever:

If any person liable to pay any tolls thinks himself aggrieved by any such agreement or arrangement or by anything done in pursuance thereof he may apply to the Board of Trade and the Conservators shall follow the directions of the Board of Trade in the matter.

175. Subject to the provisions of this Act all duties of tonnage charges and tolls payable under this Act shall at all times be charged equally and after the same respective rate upon all persons and in respect of all vessels and no remission reduction or advance of such duties charges or tolls shall either directly or indirectly be made partially or in favour of any particular person or vessel but every such remission reduction or advance shall take effect with respect to all persons and to all vessels of the same respective sort.

176. Notwithstanding anything in this Act any order of the Board of Trade under the Railway and Canal Traffic Act 1888 as such order is set out in the Schedule to any Act passed in the present session of Parliament and confirming such order as so set out shall so far as the same relates to the Thames above London Bridge have full validity and effect as if such order and confirming Act were respectively made and passed subsequently to the passing of this Act and any reference in the said order to section 3 of the Act 52 Geo. III. cap. 46 (which Act is by this Act repealed) shall be deemed to include a reference to the section of this Act whereof the marginal note is "Navigation tolls for vessels other than pleasure boats" so far as that section relates to the Thames below Teddington Lock. [See s. 160.]

Duties tolls
etc. to be
charged
equally.

Saving for
Canal Tolls
and Charges
No. 6 (River
Lee etc.)
order 1894.

Lands.

177. The Conservators may for the purposes and subject to the provisions of this Act from time to time as they think fit purchase by agreement any lands.

Power to
purchase
lands by
agreement.

178. The Conservators may accept and hold upon such terms and conditions as they think fit any land which any person may offer to them for dedication to public uses in connexion with any of the purposes of this Act and it shall be lawful for any person to give grant dedicate convey or devise any land or right over land to the extent of his estate and interest unto the Conservators for the purpose of enabling the public to use such land or any part thereof as a public highway or as a place of public resort or for the purpose of creating bathing-places or camping-grounds or landing-places or for any other purposes connected with this Act any of the provisions of the Mortmain and Charitable Uses Act 1888 or of any Act amending the same or of any other Act or any rule of law to the contrary notwithstanding but nothing in this section shall authorise the Conservators to create or permit any nuisance.

Power to
accept and
hold lands
for certain
purposes.

179. Persons empowered by the Lands Clauses Act to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Conservators any easement right or privilege (not being an easement right or privilege of water in which any party other than the parties to the agreement have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
take ease-
ments etc.
by agree-
ment etc.

180. [*Restriction on taking houses of labouring class.*]

181. The Conservators may from time to time sell lease (on building or other leases) exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands for the time being vested in them and in their judgment not required for the purposes of this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money

Power to sell
etc. lands.

for equality of exchange Provided that the Conservators shall absolutely sell and dispose of the reversion of any building lease of such lands granted by them within ten years from the date of such lease.

Miscellaneous Provisions.

Certain works to be approved by the Board of Trade.

182. No works upon the bed or shores of the Thames below Teddington Lock shall at any time be commenced or executed under the direction or with the licence consent or permission of the Conservators without such works having been previously approved of by the Board of Trade such approval to be signified in writing under the hand of the secretary or of an assistant secretary to the Board of Trade or if such approval be not previously obtained without proper conditions being made to provide for the immediate removal of all such works upon notice from the Board of Trade under the hand of the secretary or of an assistant secretary thereto requiring the same to be removed.

Board of Trade may order survey of works at expense of persons commencing works.

183. If at any time the Board of Trade think fit to order a local survey and examination of any work upon the bed or shores of the Thames below Teddington Lock or of the intended site thereof the person about to commence or who may have commenced or executed any such work shall defray the costs of every such local survey and examination and the amount thereof shall be a debt due to Her Majesty from such person as aforesaid and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit in any court of competent jurisdiction or may be recovered with costs as a penalty is or may be recoverable under this Act.

Works which have not been approved of to be removed.

184. The Board of Trade or the Conservators respectively if they respectively think fit may abate and remove every work commenced or executed upon the bed or shores of the Thames below Teddington Lock which they respectively may not have approved of licensed consented to or permitted and restore the site thereof to its former condition at the cost of the persons who may have commenced or executed such work and the amount of any such costs shall be a debt due to Her Majesty or to the Conservators (as the case may be) from such persons as aforesaid and if not paid upon demand may be recovered as a debt due to the Crown or to the Conservators (as the case may be) with the costs of suit in any court of competent jurisdiction or may be recovered with costs as a penalty is or may be recoverable under this Act Provided that the provisions of this section and the provisions of the two immediately preceding sections shall not apply to any works executed by the Admiralty on such portions of the bed and shores of the Thames as are mentioned in the section of this Act whereof the marginal note is "Reservation of part of the bed and soil." [See s. 59.]

Provision against shooting or use of firearms on Thames.

185. From and after the passing of this Act it shall be unlawful to discharge any fire-arm air-gun gun or similar instrument over or upon the Thames or the shores banks or tow-paths thereof or any land for the time being vested in the Conservators above an imaginary straight line drawn from Barking Creek to Margaret Ness and every person discharging any fire-arm air-gun gun or similar instrument over or upon the Thames or the shores banks or towpaths thereof or any such land as aforesaid above such line shall for every such offence be liable to a penalty not exceeding forty shillings: [See also 2 & 3 Vict. c. 47, s. 36.]

Provided that the provisions of this section shall not apply to any of Her Majesty's forces when in the performance of their duties.

Provision as to land drainage above Oxford.

186. If in any case where the consent of the Conservators is requisite for any purpose under the Land Drainage Act 1861 as affecting the Thames above the city of Oxford such consent is not given within two months after the same is applied for the body or person desiring to obtain such consent may apply to the Board of Trade who shall direct whether or not such consent is to be given and if so on what terms or conditions and the Conservators shall follow the directions of the Board of Trade in the matter.

187. The high water of ordinary spring tides at one mile below London Bridge shall be taken as level with the mark fixed by the late Captain Huddart in the year one thousand eight hundred upon the Hermitage entrance lock to the London Docks commonly called "Trinity Standard." The high water of ordinary spring tides at other places shall correspond with the above allowing for the difference of flow at each particular place.

Fixing H.W.
O.S.L. for
Thames.

188. After the passing of this Act the Conservators shall maintain at or near Teddington Weir the existing works and appliances for gauging the daily flow of the river. The Conservators shall also from the first day of January next after the passing of this Act cause to be taken and duly recorded proper observations measurements and calculations of the daily flow of the river at the above-mentioned place. A statement of such records shall be made up at the end of each month to which they relate and copies of such statements shall be furnished to the London County Council and to any public body or any person requiring the same on payment of a fee of one shilling for each monthly statement.

As to
gaugings at
Teddington.

189. [*Power for the Board of Trade to appoint a commission to inquire and report as to dredging the estuary of the Thames.**]

Byelaws.

190. All byelaws made by the Conservators and in force at the passing of this Act shall so far as they are not repugnant to the provisions of this Act continue in force and may be enforced by the Conservators subject to alteration or repeal by byelaws made under this Act. Provided that nothing in this Act shall affect any byelaws made under the Petroleum Acts 1871 and 1879 or the Explosives Act 1875.

Present bye-
laws to con-
tinue in force.

191. The Conservators may from time to time make such byelaws as to them seem meet for all or any of the purposes for which by this Act they are authorised to make byelaws and for all or any of the following purposes namely:—

Power to
make bye-
laws.

For regulating the mode of conducting elections of Conservators under this Act;

For the regulation management and improvement of the Thames and the navigation thereof;

For the prevention of obstructions in the Thames;

For compelling vessels on the Thames to exhibit lights from sunset to sunrise;

For the regulation of vessels on the Thames;

For prescribing in the Thames below Teddington Lock limits above which various classes of vessels to be defined by such byelaws and which are used only or principally for the carriage of passengers or for purposes of excursions shall not be navigated;

For the government good order and regulation of persons navigating the Thames or using the tow-paths piers landing-places or locks thereof;

For preventing the loadings of vessels projecting over the sides thereof;

For the mooring of timber on the Thames;

For regulating the times and manner of raising or heaving up or for suspending mooring chains in the Thames;

For the government and regulation of the officers servants and workmen in the employ of the Conservators;

For the registering and regulating of bumboats that is to say craft used on the Thames for the purposes of dealings in provisions liquors stores or other goods with seamen or others employed on or about the Thames;

For the registering and regulating of persons working or using such bumboats on the Thames;

* The Lower Thames Navigation Commission 1894—1896 was appointed under this section. This Commission presented a report to the President of the Board of Trade on the 25th March 1896.

- For compelling and regulating the measuring of lighters navigated on the Thames and the conspicuous and correct marking thereon by the owners thereof of the names and addresses of such owners and the burthen tonnage of such lighters ;
- For prescribing the depths of water which may be drawn at various seasons of the year by lighters navigated on the Thames above London Bridge for compelling and regulating the conspicuous and correct marking of such lighters so as to show the depth of water at any time drawn by them and for preventing such lighters being loaded too deeply ;
- For prescribing the amount of freeboard or clearboard which lighters when navigated on the Thames are to have and securing that such lighters shall have such freeboard or clearboard ;
- For regulating the passage of vessels through locks on the Thames ;
- For regulating the extent manner and times of the drawing down of Thames water by owners or occupiers of mills for repair thereof or of any floodgates or waterworks belonging thereto or for cleansing mill streams ;
- For regulating the giving of flashes or freshes of water in the Thames ;
- For regulating from time to time (subject to the provisions of the section of this Act whereof the marginal note is "As to drawing down etc. of water" with respect to the drawing down or keeping back of water by the Conservators) the height or depth of water in the Thames at any place above Teddington Lock [*see s. 75*] ;
- For preventing the removal or alteration of any water-mark set up by the Conservators for the purpose of showing the height or depth of water in the Thames ;
- For the better collection of duties of tonnage and other charges payable on and for the registration of vessels exceeding forty-five tons registered tonnage navigating the Thames and trading seawards beyond Gravesend but not entered at the office of Her Majesty's Customs and not exempted by this Act from the payment of duties of tonnage ;
- For regulating the proceedings on an inquiry by this Act directed to be held into any complaint of the operation of any byelaw of the Conservators or of any determination or proceeding of the Conservators or of the conduct of any of their officers ;
- For preventing the passing into the Thames from or out of any vessel on the Thames above Teddington Lock of any sewage or any other offensive or injurious matter whether solid or fluid but so that no such byelaw shall apply to the vessels of the Victoria Steamboat Association Limited* or their successors certified by the Board of Trade as passenger steamers to carry three hundred or more passengers whilst such vessels are bonâ fide engaged in the business of the said Association or their successors below Molesey Lock ;
- For compelling with a view to the prevention of pollution of the Thames the altering as the Conservators may approve of vessels used on the Thames above Teddington Lock and the providing of such vessels with such sanitary appliances as the Conservators may approve but so that no such byelaw shall apply to the vessels of the Victoria Steamboat Association Limited* or their successors certified by the Board of Trade as passenger steamers to carry three hundred or more passengers whilst such vessels are bonâ fide engaged in the business of the said Association or their successors below Molesey Lock ;
- For the regulation of bathing in the Thames and fixing the hours during which persons may bathe in the several parts thereof ;
- For preventing offences against decency by persons using the Thames and the banks and towpaths thereof or any land vested in the Conservators ;
- For preventing disorderly conduct or the use of obscene scandalous or

* See note on s. 108.

abusive language to the annoyance of persons using the Thames or the banks or towpaths thereof or any land vested in the Conservators ;

For preventing any nuisance to riparian residents or others by persons using the Thames ;

For preventing trespasses upon any Thames riparian dwelling-houses or the curtilages or gardens belonging thereto ;

For regulating the navigation of the Thames with a view to the safety and amenity of the said river in relation to the purposes of this Act ;

For preventing injury to flowering and other plants shrubs vegetation trees woods and underwoods on or near the Thames ;

For preventing bird catching bird nesting bird trapping and the searching for taking or destruction of swans' and other birds' nests eggs or the young of any birds or other animals on or about the Thames saving all rights of fowling hunting and sporting existing both on the fourteenth day of August one thousand eight hundred and eighty-five and at the passing of this Act ;

For preserving notice boards and other works and things set up by the Conservators or with their consent ;

For preventing disturbance of the navigation of the Thames for purposes of recreation ;

For preventing or regulating the exhibition of advertisements and advertising upon or by means of vessels or otherwise on or over the Thames but so that any such byelaw shall not interfere with the right of the owner of any vessel of exhibiting advertisements or notices for the purposes of or in reference to his trade or business or of exhibiting any advertisement not visible from the shore [*see s. 224 (2)*] ;

For registering and licensing steam launches used on the Thames westward of Kew Bridge and for regulating the conditions of such licences ;

For registering and licensing vessels used on the Thames westward of Teddington Lock and for regulating the conditions of such licences ;

For the protecting preserving and regulating of the fisheries in the Thames and the preservation of the fish therein ;

For the registering and regulating of boats or vessels on the Thames used for fishing by persons following the business of fishermen or kept to be let to hire for fishing and the governing of persons following the business of fishermen and using or working such boats or vessels for fishing and of persons keeping such boats or vessels for letting to hire for fishing ;

For the prohibition of the use of nets and apparatus improper to be used for taking fish in the Thames ;

For determining the times during which the taking of any particular or specified kinds of fish shall not be practised on the Thames ;

For regulating the passage of vessels on the Thames on any occasion when large crowds may assemble thereon ;

For prescribing the numbers of persons who may be carried in or on randans wherries skiffs dingies shallops punts canoes rafts and other small boats and craft however navigated on the Thames above Teddington Lock and for preventing the overcrowding of such vessels ;

The Conservators may from time to time by byelaws alter or repeal any byelaws continued in force by or made under this Act :

Provided that no byelaws made under this Act shall have any force if repugnant to the laws of England or to the provisions of this Act :

All byelaws made by the Conservators shall be under the common seal.

192. The Conservators may by any byelaws made by them impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of ten pounds for each offence and in the case of a con- Penalties may be imposed by byelaws.

tinuing offence a daily penalty not exceeding a like amount but all such byelaws shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Publication of proposed byelaws consideration of objections and confirmation by Board of Trade.

193.—(1) Byelaws made under this Act shall not have any force until confirmed by order of the Board of Trade but no other confirmation shall be necessary.

(2) When the Conservators propose to make any byelaws they shall publish the proposed byelaws.

(3) Before the Conservators submit any proposed byelaws for confirmation by the Board of Trade they shall during one month at least after the publication thereof afford to all persons the opportunity of making in writing or otherwise objections to or representations respecting such proposed byelaws and the Conservators shall take all such objections and representations into consideration and if they think fit may abstain from making or may alter or add to the proposed byelaws.

(4) If any alteration or addition is so made the Conservators shall publish the proposed byelaws as so altered or added to before submitting the same for confirmation by the Board of Trade.

(5) The Conservators on submitting any proposed byelaws for confirmation by the Board of Trade shall publish notice that they have done so and during one month after the completion of such publication of notice any person may make in writing to the Board of Trade any objection to or representation respecting such byelaws.

Byelaws to be printed and sold.

194. The Conservators shall cause copies of all byelaws made by them when the same are confirmed together with the order confirming the same to be printed and such copies to be sold at a reasonable price to all persons desiring to buy the same.

Proof of byelaws.

195. A copy of any byelaw made by the Conservators and confirmed purporting to be printed by direction of the Conservators and being authenticated by the common seal and the signature of the secretary shall for all purposes and to all intents be *prima facie* evidence of such byelaw and of the due making and confirmation thereof without proof of such seal or signature.

Legal.

Owners accountable for damage done by boatmen to property of Conservators.

196. The owner of every vessel shall be and is hereby made answerable for all trespasses damages spoil or mischief done by such vessel or by any person employed in or about the same by any means whatsoever to any of the property or effects of the Conservators or the banks or other works erected maintained or repaired by them and the owner of every such vessel shall for every such trespass damage spoil or mischief done as aforesaid upon conviction of the person doing the same before any court of summary jurisdiction pay to the Conservators such damages and compensation as shall be ascertained and determined by such court together with all costs attending such conviction provided that such damages and compensation shall not exceed the sum of twenty pounds besides the costs of such conviction and in case such damages or compensation and costs be not paid on demand the same shall be recoverable in the same manner as a penalty is recoverable under this Act but in case such damages and compensation exceed the sum of twenty pounds the said owner may be sued by the Conservators for such damages or compensation.

Provided always that every person so convicted shall be answerable for and repay to the owner of the vessel all such damages and compensation recovered as aforesaid with all the costs of recovering the same and in case of non-payment thereof on demand on oath made by such owner of payment by him of such damages compensation and costs and of such non-payment by such person the amount thereof shall be recoverable in like manner as a penalty under this Act may be levied and recovered by warrant of such court.

197. Every person who assaults resists or obstructs or aids or incites any person to assault resist or obstruct any Conservator or officer or servant of the Conservators or constable or other person employed in the due execution of this Act or in the execution of his duty or the lawful exercise of any authority under this Act or under any byelaw of the Conservators for the time being in force shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for assaulting collectors etc.

198. When and so often as any officer or servant of the Conservators shall cease to hold office under the Conservators or to be in their employ if such officer or servant or the wife or widow or any of the children family or other representatives of such officer or servant or any other person who may have the possession of any premises belonging to the Conservators shall neglect or refuse to deliver up the possession thereof for the space of twenty-four hours next after demand thereof made by notice in writing so to do then it shall be lawful for any Justice by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary to enter upon or into such premises in the daytime and to remove the persons who shall be found thereon or therein together with their goods off or out of such premises and to put the Conservators or such person as they shall direct into possession of such premises.

If officers etc. refuse to give up premises Justices may give possession.

199. Any notice which the Conservators may be required or authorised to give to any person may be served on such person either personally or on his known agent or by sending the same through the post in a prepaid letter addressed to him or to his known agent by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of residence or business or in case the place of abode or business of the person to be served is unknown it shall be sufficient to affix the notice or a copy thereof on some conspicuous part of the premises (if any) to which the notice may relate.

Service of notice on other persons.

Service by letter under this section shall be deemed to be effected on the day on which such letter would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the letter was properly addressed and put into the post. [See 52 & 53 *Vict. c. 63, s. 26.*]

200.—(1) Where the Conservators are by this Act required to publish any notice or byelaw (proposed or made) they shall (unless otherwise provided by the enactment requiring such publication) do so by inserting the same once in the *London Gazette* and by inserting the same as an advertisement once in each of two successive weeks in some one and the same daily morning newspaper published and circulating in London and such publication shall be deemed to be completed on the day on which the second of such advertisements appears.

Mode of publication of notices and byelaws by Conservators.

(2) The Conservators shall not later than the day of the first insertion of such advertisement transmit a copy of the notice or byelaw to the clerk of the county council of any administrative county and to the town clerk of any county borough affected by such notice or byelaw.

(3) The Conservators shall within seven days after the insertion of any such notice or byelaw in the *London Gazette* insert as an advertisement in a newspaper published and circulating in any administrative county and in any county borough affected by such notice or byelaw a statement drawing attention to the fact of the said insertion in the *London Gazette*.

201. Offences against this Act or any byelaw of the Conservators for the time being in force and penalties fines forfeitures costs damages and expenses imposed or recoverable under this Act or any such byelaw may be prosecuted and recovered in a summary manner.

Recovery of penalties etc.

202. Where the doing of any act or thing is made punishable by this Act or by any byelaw of the Conservators for the time being in force with any penalty fine or forfeiture the causing procuring or permitting such act or thing to be done shall be punishable in like manner.

Persons causing etc. others to offend against this Act etc. liable to penalties etc.

Application
of penalties.

203. All penalties fines and forfeitures imposed and recovered for offences against this Act or any Act wholly or partially incorporated herewith or any byelaw of the Conservators for the time being in force shall (except penalties fines and forfeitures imposed on or recovered from the Conservators) be paid to the Conservators and be by them carried to the Lower Navigation Fund or the Upper Navigation Fund (as the case may be) anything in any other Act notwithstanding. [See ss. 240 and 241.]

Jurisdiction
of Justices.

204. For the purposes of this Act and of any byelaw of the Conservators for the time being in force the jurisdiction of all Justices and Magistrates acting for any area through or by which the Thames flows shall extend over the whole of the waters bed shores banks and towpaths of the Thames and over any place within one hundred yards on either side of the Thames and over the whole of so much of any island as is in the Thames where that river flows through or by such area.

Powers etc.
of police.

205. For the purposes of this Act and of any byelaw of the Conservators for the time being in force the power and authority of all police officers and constables acting for any area through or by which the Thames flows shall extend over the whole of the waters bed shores banks and towpaths of the Thames and over any place within one hundred yards on either side of the Thames and over the whole of so much of an island as is in the Thames where that river flows through or by such area.

Venue for
trial of
offences.

206. For the purposes of proceedings under this Act or any byelaw of the Conservators for the time being in force every offence shall be deemed to have been committed and every cause of complaint under this Act or any such byelaw shall be deemed to have arisen in the place in which the same actually was committed or arose Provided that every such offence committed on or in respect of and every such cause of complaint arising in respect of any vessel in the Thames below the western boundary of the county of London may be deemed to have been committed or to have arisen within the county of London.

Bailiffs and
servants of
Conservators
may be sworn
in as con-
stables.

207. The Conservators may if they think fit procure all or any of their officers and servants to be sworn in as constables for any of the counties adjoining the Thames or any of the cities boroughs or towns adjoining the Thames and maintaining separate police forces but they shall not be liable without the consent of the Conservators to be called upon to perform the duties of such constables except for the purposes of this Act or of any byelaw of the Conservators for the time being in force.

Power to
employ
Metropolitan
City and
county police.

208. The Chief Commissioner of Metropolitan Police the Commissioner of City Police and the chief constables head constables or other officers having chief commands of police of all counties and of all cities boroughs and towns maintaining separate police forces through or by which counties cities boroughs or towns the Thames flows respectively from time to time if they think fit at the request of the Conservators and upon such terms as to payment by the Conservators or otherwise as may from time to time be agreed upon between the Conservators and the respective commissioners chief constables head constables or other officers having chief commands of police may provide officers and constables of police to keep the peace preserve order and prevent breaches of this Act and any byelaws of the Conservators for the time being in force and generally to exercise police authority at the piers or landing-places and the avenues and approaches thereto belonging to or under the control of the Conservators and situate within the jurisdictions of the respective commissioners chief constables head constables or other officers having chief commands of police and to remove any persons who may act in contravention of this Act and the byelaws of the Conservators for the time being in force.

Regulation
on river.

209. The Chief Commissioner of Metropolitan Police may with a view to maintaining order and securing the safety of the public from time to time give such orders as he thinks expedient for the purpose of regulating the passage of vessels on such part of the Thames as lies

within his jurisdiction on any occasion when large crowds may assemble on such part.

If the master of any vessel disobeys any officer or constable of any police force engaged in keeping order on such occasion as aforesaid he shall in the case of a vessel propelled otherwise than by oars be liable to a penalty not exceeding twenty pounds and in the case of a vessel propelled by oars to a penalty not exceeding five pounds.

Any superintendent inspector or serjeant of any police force may enter on any vessel the master of which refuses to comply with any orders given in pursuance of this section for the purpose of taking such measures as may be necessary for carrying into effect the objects of this section or any orders made thereunder. And any person obstructing the entry of any superintendent inspector or serjeant in pursuance of this section or impeding his efforts to carry the same into effect shall for each offence be liable to a penalty not exceeding twenty pounds.

210. Whilst any byelaw of the Conservators for regulating the passage of vessels on the Thames on any occasion when large crowds may assemble thereon shall be in force all officers and constables of any police force shall observe the same and if any officer of the Conservators shall be present on any such occasion all such police officers and constables shall in all things observe the directions of such officer of the Conservators.

Police to observe bye-laws of Conservators and directions of their officers at regattas, launches etc.

211. Where the Conservators or any other body corporate or any person deem or deems themselves or himself aggrieved by any order conviction judgment or determination of or by any matter or thing done by any court of summary jurisdiction under this Act or any byelaw made thereunder they or he may appeal therefrom to a court of quarter sessions. [See the *Summary Jurisdiction Act 1879*, s. 31.]

As to appeals.

Savings.

212. Nothing in this Act shall extend to any vessel belonging to or employed in the service of Her Majesty Her heirs or successors or to any present or future moorings of or for any such vessels nor shall anything in this Act repeal alter prejudice or affect any of the provisions of the fifty-fourth George the Third chapter one hundred and fifty-nine.*

Saving for Her Majesty's ships and moorings and for 54 Geo. 3. c. 159.

213. [*Saving the rights of the Crown.*]

214. [*Saving the rights of the Duchy of Lancaster.*]

215. [*Saving the rights of the Duchy of Cornwall.*]

216. Nothing in this Act shall prejudice or derogate from or in anywise alter affect or interfere with the jurisdiction or authority of the Trinity House in the appointment of pilots loadsmen and guides or for beaconage and buoyage and office of beaconage and buoyage or for the erecting and setting up of beacons buoys lights and lighthouses or the fees advantages salaries profits emoluments commodities and rights incidents and appurtenances whatsoever due payable accustomed appertaining or belonging to the Trinity House or any other rights offices duties and privileges whatsoever now subsisting and in force and held used or enjoyed by the Trinity House under or by virtue of any Royal Charter grant letters patent or Act or otherwise howsoever except that after the passing of this Act the Trinity House shall not be entitled to discharge or require the discharge of any harbour master appointed by the Conservators pursuant to the provisions of this Act nor shall any such harbour master be required by Elder Brethren of the Trinity House to attend them.

Saving rights of Trinity House.

217. [*Nothing in this Act (except the provisions relating to pollution) to affect the rights to which the Inner and Middle Temples are entitled under 25 & 26 Vict. c. 93. See *ibid.* ss. 29 and 30.*]

* An Act for the better regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and Navigable Rivers in the United Kingdom; and of His Majesty's Docks, Dock Yards, Arsensals, Wharfs, Moorings, and Stores therein; and for repealing several Acts passed for that purpose.

218. [*Saving the rights of the Lee Conservancy Board.*]

219. [*Saving the rights of the Canvey Island Commissioners.*]

220. [*Saving the rights of the Commissioners of Sewers for limits extending from Lombard's Wall to Gravesend Bridge.*]

221. [*Saving the rights of any commissioners of sewers, and of the Mayor, Aldermen, and Burgesses of the Borough of West Ham as successors of the Commissioners of Sewers for the Havering and other levels.*]

222. [*Saving the rights of the Commissioners of the Dartford and Crayford Navigation.*]

223. [*Saving the rights of the Thames Valley Drainage Commissioners.*]

Saving for
London
County
Council.

224.—(1) Notwithstanding anything in this Act it shall not be lawful for the Conservators to place or make any piles groynes walls or works in front of any land now belonging to the London County Council which shall injuriously affect any right of that Council in respect of such land.

(2) No byelaw of the Conservators shall affect the right of the said Council to place notices or announcements on any land belonging to and used by them under the powers of any Act.

(3) Nothing in this Act shall prejudice lessen affect or interfere with any of the powers rights authorities or privileges of the said Council under any Act now in force.

225—226. [*Saving for the Corporations of Reading and Richmond.*]

2. [*Saving for the supply of water to Abbey Mill River.*]

Saving cer-
tain rights
in fisheries.

228. This Act or any power conferred by this Act or any byelaw of the Conservators for the time being in force not being a byelaw made for any of the purposes following (namely) for the preservation of the fish in the Thames for the prohibition of the use of nets and apparatus improper to be used for taking fish in the Thames and for determining the times during which the taking of any particular or specified kinds of fish shall not be practised on the Thames and except the provisions of this Act relative to the powers and duties of water bailiffs and other officers of the Conservators shall not extend to take away alter or abridge any right claim privilege franchise exemption or immunity to which any owner or occupier of any private fishery in the Thames is entitled or to empower the Conservators to interfere with the exercise of the rights of such owner or occupier but the same shall remain and continue as if this Act had not been passed.

229—232. [*Savings for trees, etc. at Temple Weir, for lands formerly belonging to G. C. Cherry, as to Buscot and Eaton Weirs, and for the protection of Lord Boston.*]

Saving for
vessels
registered or
licensed by
Watermen's
Company.

233. Nothing in this Act shall require any vessel which may under any Act be required to be and be registered or licensed by the Watermen's Company to be registered or licensed under this Act or render any person liable to any penalty under this Act on account of the user of any vessel so required to be registered or licensed by the Watermen's Company and at the time of such user being so registered or licensed.

234. [*For the protection of the London, Tilbury & Southend Railway Company.*]

235. [*Act not to affect Richmond footbridge and lock and slipway and tolls.*]

Saving rights
of dock com-
panies.

236. Nothing in this Act shall authorise or empower the Conservators to enter upon or interfere with any lands or works of any dock company established under the authority of Parliament or of any other company established under such authority owning any dock or shall affect or apply to any vessel while within the docks or premises of any such company and nothing in this Act or in any byelaw made under the authority of this Act shall take away prejudice or affect any of the rights powers privileges exemptions immunities jurisdictions or authorities of any such company

under the several Acts of Parliament now in force or which may be passed during the present session of Parliament relating to such company.

237. Except the provisions of Part V. of this Act nothing in this Act shall take away prejudice or affect any right power or authority of any local authority company or person which might be lawfully exercised or enjoyed immediately before the passing of this Act with respect to the taking of water from the Thames. Saving for rights of local authorities and others to take water.

238. Except as in this Act expressly provided nothing in this Act shall take away alter or abridge any right claim privilege franchise exemption or immunity to which any owner or occupier of any lands on the banks of the Thames including the banks thereof or of any cots or islands in the Thames or any person is now by law entitled nor take away or abridge any legal right of ferry but the same shall remain and continue in full force and effect as if this Act had not been passed. General saving of rights.

PART IV.

FINANCIAL.

Returns and Payments to Crown.

239. The Conservators shall in every year on or before the first day of February transmit to the Commissioners of Woods a return verified by the treasurer of the Conservators or the secretary under his hand containing full particulars of all sales leases or grants or licences for docks recesses beds for boats or barges dwarf or other wharves piers landing-places piles mooring-chains stages cranes apparatus and other machinery or works of any description of in or upon any portions of the bed or shores of the Thames below the City Stone above Staines Bridge or any encroachments embankments and inclosures upon or from the bed or shores of that part of the Thames and containing an account of all sums of money which they or any person by their order or to their use received during the year ended on the then last thirty-first day of December for or in respect of any such sales leases grants or licences or for or in respect of any permission of the Conservators in reference to such beds shores encroachments embankments and inclosures and of all rents revenues and proceeds accruing or arising from the said bed shores encroachments embankments and inclosures such account to specify the sources from which such sums rents revenues and profits were respectively derived. Annual return of certain moneys received by Conservators to be sent to and certain annual payments to be made to Commissioners of Woods.

Subject as herein-after in this section provided the Conservators shall in every year on or before the first day of March pay over one equal third part of all the sums rents revenues and proceeds received as aforesaid during the year ended on the then last thirty-first day of December unto the Commissioners of Woods on behalf of the Queen's most Excellent Majesty Her heirs and successors to be applied as part of the hereditary possessions and land revenues of the Crown.

Provided always that the Conservators shall in every year on the first day of March pay to the Commissioners of Woods on behalf of the Queen's most Excellent Majesty her heirs and successors to be applied as part of the hereditary possessions and land revenues of the Crown pursuant to section 2 of the Crown Lands Act 1866 the sum of five hundred pounds in lieu of all payments which would otherwise pursuant to this section be payable by the Conservators to the Commissioners of Woods in respect of ballast sand earth or gravel dredged or raised by the Conservators or any person by their authority from the bed or shores of the Thames.

Funds and Accounts.

240. All moneys received by the Conservators in respect of the Thames below the City Stone above Staines Bridge including all tolls duties of tonnage dues and other charges and all proceeds of licences permissions and consents of and registrations by the Conservators and all fines Lower Navigation Fund.

rents and proceeds of sales of lands and all penalties and damages and all other moneys from whatever source and also all moneys raised by the Conservators under this Act for expenditure upon the Thames below the said City Stone and also all moneys stocks funds and securities which at the passing of this Act formed part of the Conservancy Fund of the Conservators under the Acts by this Act repealed and also all income of any such stocks funds or securities except so much of any such moneys as are by this Act directed to be paid to the Queen's most Excellent Majesty shall after the passing of this Act form one fund to be called "the Lower Navigation Fund."

Upper
Navigation
Fund.

241. All moneys received by the Conservators in respect of the Thames above the City Stone above Staines Bridge including all tolls dues and other charges and all proceeds of licences permissions and consents of and registrations by the Conservators and all fines rents and proceeds of sales of lands and all penalties and damages and all other moneys from whatever source and also all moneys raised by the Conservators under this Act for expenditure upon the Thames above the said City Stone and also all moneys which at the passing of this Act formed part of the upper navigation fund of the Conservators under the Acts by this Act repealed shall after the passing of this Act form one fund to be called "the Upper Navigation Fund."

Apportion-
ment be-
tween funds
of water
companies'
contributions
under this
Act.

242. The Conservators shall carry to the Lower Navigation Fund one thousand pounds of the moneys paid to them in respect of each year pursuant to this Act by the metropolitan water companies* the West Surrey Water Company and the South West Suburban Water Company and shall carry to the Upper Navigation Fund the residue of the moneys in respect of each year so paid to them.

Separate
accounts.

243. The Conservators shall keep separate accounts of the Lower Navigation Fund and the Upper Navigation Fund and of their receipts and expenditure on capital and revenue account in respect of the Thames below the City Stone above Staines Bridge and their receipts and expenditure on capital and revenue account in respect of the Thames above the said City Stone and subject to the provisions of this Act they shall apportion fairly between those accounts any receipts or expenditure common to two or more of those accounts.

Accounts to
be kept of
receipts and
disburse-
ments which
shall be open
to inspection.

244. The Conservators shall cause books to be provided and kept and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this Act and of the several purposes for which sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the Conservators and any of the mortgagees of the fines rents tolls and other dues and profits receivable under this Act and the secretary of any of the metropolitan water companies* of the West Surrey Water Company or of the South West Suburban Water Company or any person duly authorised in writing by him without fee or reward and the Conservators and other persons aforesaid or any of them may take copies of or abstracts from the said books without paying anything for the same and the secretary or any other person having the custody of the said books who shall not on any reasonable demand of any Conservator or other person aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall for every such offence be liable to a penalty not exceeding five pounds.

Statements
of accounts
to be pre-
pared and to
be open for
inspection.

245. The Conservators shall cause their accounts to be balanced in each year to the then last thirty-first day of December and fourteen days at the least before the meeting at which they are to be produced the Conservators shall cause a full and true statement and account to be drawn out of the amount of all contracts entered into and of all moneys received and expended by virtue of this Act during the preceding year

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

and also of all debts then owing by the Conservators and they shall cause such statement and account to be printed and shall allow the same to remain for inspection at their office and every mortgagee of the fines rents tolls and other dues and profits receivable under this Act or any person acting on behalf of any such mortgagee or the secretary of any of the metropolitan water companies* of the West Surrey Water Company or of the South West Suburban Water Company or any person duly authorised in writing by him may at all reasonable times inspect such statement and account and compare the same with the books and documents relating thereto in the possession of the Conservators and the secretary shall on demand furnish a printed copy of the said statement and account to every such mortgagee and person aforesaid without fee and fourteen days at the least previously to the meeting for examining and settling such account the Conservators shall give public notice of such intended meeting stating in such notice that the said statement and account are printed and lie at the office of the Conservators ready for the inspection of the parties interested.

246. The accounts of the Conservators so balanced as aforesaid together with the said statement and account shall be produced at the annual meeting of the Conservators or at some adjournment thereof and the accounts shall be then examined and settled by the Conservators and if the same be found just and true they shall be allowed by the Conservators and certified accordingly under the hand of the chairman of such meeting and after such accounts have been so allowed and certified and have been signed by the auditor as herein-after provided the same shall be final in regard to all persons whomsoever.

Accounts to be examined and settled at the annual meeting.

247. Previously to the meeting in each year at which the accounts of the Conservators for the preceding year are to be produced as aforesaid the Treasury shall appoint some person to be auditor of such accounts and every such auditor shall be paid by the Conservators for his time trouble and expenses in relation to his audit such sum not exceeding one hundred and twenty guineas as the Conservators think fit and the Treasury approve.

Appointment and payment of auditor.

248. The auditor appointed as aforesaid as soon as conveniently may be after the meeting at which the accounts of the Conservators for the preceding year were settled as aforesaid shall attend at the office of the Conservators or at some other convenient place to be appointed by the Conservators and from time to time shall in the presence of the secretary if he desire to be present proceed to audit such accounts and the Conservators shall by their secretary produce and lay before such auditor the accounts so allowed and certified as aforesaid together with the statement and account herein-before mentioned accompanied with proper vouchers in support of the same and all books papers and writings in their custody or power relating thereto and if the said accounts be found correct such auditor shall sign the same but if such accounts be found incorrect he shall require the Conservators to correct the same in such manner as he thinks right and after such accounts have been so corrected shall sign the same.

Auditor to examine accounts.

249. The Conservators shall in every year present to both Houses of Parliament copies of the herein-before mentioned accounts for the preceding year as signed by the auditor.

Accounts to be yearly laid before Parliament.

Existing Loans etc.

250. [The Conservators to continue liable for the annuities under the navigation bonds given before 1857 by the Corporation of London, and to be empowered to redeem such annuities.]

251. [The Conservators to continue liable for moneys borrowed by the Conservators since the Act of 1857 and before the passing of this Act, and to be empowered to redeem the securities for the same.]

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

252. [*As to charge for the debt of the Upper Navigation Commissioners.*]

253—284. [*Powers to the Conservators to borrow and to create debenture stock, and provisions relating thereto.*]

Application of Capital and Revenue.

Application
of money
borrowed.

285. All moneys borrowed by the Conservators under this Act or received as consideration for lands sold or being otherwise in the nature of capital shall so far as the same are not payable under this Act to the Commissioners of Woods be applied for purposes of this Act to which capital is properly applicable and not otherwise.

Application
of capital.

286.—(1) All moneys forming part of the Lower Navigation Fund and being in the nature of capital shall be applied in respect of the Thames below the City Stone above Staines Bridge.

(2) All moneys forming part of the Upper Navigation Fund and being in the nature of capital shall be applied in respect of the Thames above the said City Stone.

Application
of revenue.

287.—(1) All moneys forming part of the Lower Navigation Fund and being in the nature of revenue shall be applied as follows namely:—

(A) [*In paying three-fourths of the expenses of obtaining this Act so far as the same shall not be paid out of borrowed moneys. Spent.*]

(B) In defraying three-fourths of the necessary and proper establishment expenses of the Conservators under this Act and in defraying the working expenses of the Conservators under this Act in respect of the Thames below the City Stone above Staines Bridge and in defraying the expenses of the repair and maintenance of the works in the Thames below the said City Stone vested in or acquired or constructed by them by or under this Act;

(C) In paying the annuities charged by the Lower Navigation bonds;

(D) In paying the interest from time to time accruing due on any mortgage debt contracted by the Conservators under this Act for raising moneys for the purposes of the Thames below the said City Stone or on any A debenture stock issued by the Conservators under this Act;

(E) In providing any instalments payable under or sinking fund required by this Act in respect of any moneys borrowed on mortgage by the Conservators for purposes of the Thames below the said City Stone or in respect of A debenture stock;

(F) In carrying into execution the purposes of this Act in respect of the Thames below the said City Stone.

(2) All moneys forming part of the Upper Navigation Fund and being in the nature of revenue shall be applied as follows namely:—

(A) [*In paying one-fourth of the expenses of obtaining this Act so far as the same shall not be paid out of borrowed moneys. Spent.*]

(B) In defraying one-fourth of the necessary and proper establishment expenses of the Conservators under this Act and in defraying the working expenses of the Conservators under this Act in respect of the Thames above the City Stone above Staines Bridge and in defraying the expenses of the repair and maintenance of the works in the Thames above the said City Stone vested in or acquired or constructed by them by or under this Act;

(C) In paying the interest from time to time accruing due in respect of moneys borrowed by the Conservators before the passing of this Act;

(D) In providing any instalments payable or sinking fund required in respect of the moneys borrowed by the Conservators before the passing of this Act;

(E) In paying the interest from time to time accruing due on any mortgage debt contracted by the Conservators under this Act for raising moneys for the purposes of the Thames above the

said City Stone or on any B debenture stock issued by the Conservators under this Act ;

- (F) In providing any instalments payable under or sinking fund required by this Act in respect of any moneys borrowed on mortgage by the Conservators for purposes of the Thames above the said City Stone or in respect of B debenture stock ;
- (G) In paying year by year the interest accruing due on the Upper Navigation Commissioners' debt ;
- (H) In carrying into execution the purposes of this Act in respect of the Thames above the said City Stone.

Miscellaneous.

288. The Conservators may if they think fit so to do from time to time pay such annual or other sum of money as to them seems fit and reasonable to any officer or person in their employ in addition to the usual salary or wages of such officer or person for any extra or unusual service or as a compensation for any accident injury loss or damage which may happen to or be sustained by such officer or person and also to any officer or person in their employ by way of retiring or superannuation allowance for length of service and also to the widow or children of any officer or person in the employ of the Conservators or engaged in the execution of any work for them. Provided always that the scale for retiring or superannuation allowances shall from time to time be approved by the Treasury.

289. Notwithstanding anything in any Act and notwithstanding any custom to the contrary all tolls which for the time being may be demanded and received by the Conservators under this Act in respect of the Thames above London Bridge and all lands buildings locks pounds towpaths bridges ferries and works for the time being vested in the Conservators in respect of the Thames above London Bridge shall be exempt from all parochial charges rates taxes assessments impositions and payments whatsoever save as herein-after in this section mentioned and all such tolls lands buildings locks pounds towpaths bridges ferries and works in respect of the Thames above the City Stone above Staines Bridge shall be also exempt from all parliamentary rates taxes assessments and payments whatsoever :

Provided always that the Conservators shall pay full compensation and satisfaction for all parochial taxes whatsoever in respect of such lands and towpaths in respect of the Thames between London Bridge and the said City Stone which have been or may be purchased or used by the Conservators for the purposes of this Act and for which parochial taxes were paid at the passing of the Act of 1814 in such manner and to such amount only as actually were paid or would have been paid for such lands or towpaths in case the same had not been so purchased or used such compensation and satisfaction to be settled by a jury if necessary in the same manner as compensation may under the Lands Clauses Acts in case of dispute be settled by a jury.

290. [*As to the expenses of obtaining this Act. Spent.*]

PART V.

WATER COMPANIES.

291. If at any time any work is done or executed or proposed to be done or executed by the Conservators which in the opinion of any of the metropolitan water companies* will injuriously affect either the flow or the purity of the water of the Thames above or at the place where such company draw their supply the company may give notice in writing under their common seal to the Conservators requiring them to alter such work

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

or not to do or execute the proposed work as the case may be and unless the Conservators be willing to comply with such notice the matter shall be referred to an engineer to be nominated by the Board of Trade on the application of the company or the Conservators and such referee shall decide what shall be done in the premises and his decision shall be final and the costs of every such reference shall be in the discretion of the referee.

Contributions
by companies.

292. The metropolitan water companies * the West Surrey Water Company and the South West Suburban Water Company respectively shall pay to the Conservators the annual sum mentioned in the second column of the Sixth Schedule to this Act opposite the name of such company in the first column of such Schedule and each of such sums shall be payable by equal half-yearly payments on the twenty-fourth day of June and the twenty-fifth day of December in every year the first half-yearly payment to become due on the twenty-fifth day of December or the twenty-fourth day of June which shall be next after the passing of this Act such payments in the case of each of the metropolitan water companies * to be exclusive and in the case of the West Surrey Water Company and in the case of the South West Suburban Water Company to be inclusive of all payments under any of the agreements mentioned in the Seventh Schedule to this Act or under any other Act not repealed by this Act payable to the Conservators by such company.

[Conservation]

Contributions
of companies
to be first
charge on
their receipts.

293. The payments to be made under this Act by the metropolitan water companies * the West Surrey Water Company and the South West Suburban Water Company respectively shall be the first charge on the net receipts of the said respective companies after and subject only to any debts or charges which were on the eighth day of August one thousand eight hundred and seventy-eight (being the date of commencement of the Act of 1878) payable thereout or charged thereon respectively and in priority to any claim of any shareholders stockholders proprietors or members of or in the said respective companies to any dividend or share of profits or receipts and from and after the twenty-fourth day of June or the twenty-fifth day of December which shall be next after the passing of this Act it shall not be lawful for any of those companies at any time to pay or divide any dividend or share of profits or receipts to or among any shareholders stockholders proprietors or members of or in that company unless and until the same company have paid to the Conservators the half-yearly payment accrued due from that company under this Act at the then last preceding twenty-fourth day of June or twenty-fifth day of December as the case may be.

Payments of
companies to
be without
deduction and
free from
taxes etc.

294. The half-yearly payments to be made as aforesaid by the metropolitan water companies * the West Surrey Water Company and the South West Suburban Water Company respectively shall be made without deduction and all sums so paid shall in the hands of the Conservators be free from all parliamentary parochial and other general and local taxes rates and assessments whatever.

295. [*Power of intersale by the metropolitan water companies. Super-
seded by 2 Edw. 7, c. 41.*]

Restriction
on quantity
of water
which may
be taken by
companies.

296. Subject to the provisions of this Act contained in the section thereof whereof the marginal note is "Power of intersale by metropolitan water companies" the metropolitan water companies * the West Surrey Water Company and the South West Suburban Water Company respectively shall not unless and until otherwise authorised so to do by Parliament take a quantity of water from the Thames in any day of twenty-four hours calculated from midnight to midnight greater than the quantity which such company might have lawfully taken in any such day on or before the fifth day of April one thousand eight hundred and ninety-four. [*These provisions are varied by several of the water companies'*

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

later Acts—viz. East London Waterworks Act 1900, s. 26; Lambeth Waterworks Act 1900, s. 22; Southwark & Vauxhall Water Act 1898, ss. 15 and 16; and the West Middlesex Waterworks Act 1899, s. 21.]

297.—(1) The metropolitan water companies * the West Surrey Water Company and the South West Suburban Water Company respectively shall at the cost of them respectively within one year from and after the passing of this Act provide and thereafter maintain in good working order suitable appliances to be approved by the Conservators for measuring or otherwise ascertaining the quantity of water taken by such companies respectively from every source of supply of such companies respectively from the Thames. As to ascertaining quantities of water taken from Thames.

(2) The metropolitan water companies * the West Surrey Water Company and the South West Suburban Water Company respectively shall in every week after providing any such appliances make to the Conservators a correct return in writing of the total quantity of water taken on each day calculated as aforesaid in the week ending at midnight on the Saturday then last from every source of supply of such company in respect of which such appliances shall have been provided.

(3) The engineer of the Conservators shall and any other person from time to time thereunto authorised by the Conservators under the hand of the chairman of the Conservators or the secretary shall at all reasonable times have access to all or any part of the premises of the metropolitan water companies * the West Surrey Water Company and the South West Suburban Water Company respectively for the purpose of inspecting all or any such appliances and of checking the returns made by such companies respectively and the said companies respectively shall give to such engineer or other person all necessary facilities for inspecting and checking as aforesaid.

(4) In case any dispute shall arise between the Conservators and any company with reference to the appliances to be provided as aforesaid or to the condition of any appliances provided by such company or to the correctness of any return by this section required to be made by such company the matter shall be referred for determination to the arbitration of an engineer to be appointed by the Board of Trade on the application of either of the parties to such dispute.

298. Where any person is entitled under any Act of Parliament grant custom or otherwise to any right of abstracting or appropriating water which might otherwise flow or find its way into the Thames it shall be lawful for any such person on the one hand and the Conservators or any other person on the other hand to enter into and carry into effect an agreement or agreements for the conveyance of such right to the Conservators and every such right may be conveyed to the Conservators by deed and shall as from the date of such conveyance be absolutely extinguished to the intent that such water shall thereafter be allowed to flow into the Thames: Acquisition by agreement of right of abstracting water from the Thames.

And it shall be lawful for any of the metropolitan water companies * to make contributions out of their capital or revenue for or in aid of the acquisition and extinguishment of any such right and for the Conservators to accept such contributions and contributions from any other person and to employ such contributions for or in aid of the acquisition and extinguishment of any such right.

299—313. [*Provisions relating to the Watermen's Company.*]

* Now the Metropolitan Water Board. See 2 Edw. 7, c. 11.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Acts under which the Conservators exercised Statutory Powers immediately before the passing of this Act.

PART I. [*The Thames Conservancy Acts 1857 and 1864, the Thames Navigation Act 1866, and the London County Council (General Powers) Act 1893 (cited in this Act as the Acts of 1857, of 1864, of 1866, and of 1893 respectively), being Acts wholly repealed by this Act, except the Act of 1893, which is repealed only as to ss. 3 and 4.*]

PART II. [21 *Jas.* 1, c. 32, 24 *Geo.* 2, c. 8, 11 *Geo.* 3, c. 45, 15 *Geo.* 3, c. 11, 28 *Geo.* 3, c. 51, 35 *Geo.* 3, c. 106, and 52 *Geo.* 3, c. xlvii. (*cited in this Act as the Acts of 1623, of 1750, of 1771, of 1775, of 1788, of 1795, and of 1812 (c. xlvii.) respectively*), and all being Acts which are wholly repealed by this Act.]

PART III. [30 *Geo.* 2, c. 21, 39 *Geo.* 3, c. lxix., 42 *Geo.* 3, c. xlix., 43 *Geo.* 3, c. cxxiv., 45 *Geo.* 3, c. lxxiii., 47 *Geo.* 3 (*sess.* 2), c. xxxi., 10 *Geo.* 4, c. cxxiv., 4 & 5 *Will.* 4, c. 32, 8 & 9 *Vict.* c. 86, 12 & 13 *Vict.* c. 90, 14 *Geo.* 3, c. 91, 17 *Geo.* 3, c. 18, 50 *Geo.* 3, c. cciv., 52 *Geo.* 3, c. xlvii., 54 *Geo.* 3, c. cxxiii., 5 *Geo.* 4, c. cxxiii., 8 *Vict.* c. i., 30 *Vict.* c. ci., 33 & 34 *Vict.* c. cxlix., 41 & 42 *Vict.* c. cxxvi., 46 & 47 *Vict.* c. lxxix., 48 & 49 *Vict.* c. 76 (*cited in this Act as the Acts of 1756, of 1799, of 1802, of 1803, of 1805, of 1807, of 1829, of 1834, of 1845, of 1849, of 1774, of 1777, of 1810, of 1812 (c. xlvii.), of 1814, of 1824, of 1845, of 1867, of 1870, of 1878, of 1883, and of 1885 respectively*), being Acts which are wholly repealed by this Act, except the Act of 1756, which is repealed "so far as relates to the Thames," the Act of 1799, which is repealed "so far as the same was immediately before the passing of this Act capable of being executed by the Conservators," the Act of 1845, which is repealed only as to s. 133, and the Act of 1849, which is repealed only as to s. 42.]

* * *In the foregoing Schedule—*

The Acts mentioned in Part I. are the principal Acts which related to the constitution of the Conservators immediately before the passing of this Act ;

The Acts mentioned in Part II. are the principal Acts under which Commissioners acted in respect of the Thames above the City Stone above Staines Bridge before the Act of 1866 discontinued such Commissioners and put that part of the Thames within the jurisdiction of the Conservators ;

The Acts mentioned in Parts I., II. and III. are those which so far as unrepealed or spent were executed by the Conservators immediately before the passing of this Act ;

The Acts mentioned in Part III. are arranged as far as practicable in the following order :—

- (1) *Acts relating principally to the Thames below London Bridge ;*
- (2) *Acts relating principally to the Thames between London Bridge and the City Stone above Staines Bridge ;*
- (3) *Acts relating to the Thames more or less generally.*

THE SECOND SCHEDULE.

Limits of the port of London for purposes of this Act.

Seaward limit :

A line passing straight from a point two statute miles and six furlongs from the tower on Harwich Naze in the county of Essex to a point four statute miles and seven furlongs from the North Foreland Lighthouse on the North Foreland in the county of Kent such points respectively being in a straight line between the said tower and lighthouse.

Northward limit :

A line passing straight from the northern extremity of the said seaward limit to a point four statute miles and five furlongs from Colne Point in the county of Essex and being in a straight line between the last-mentioned point and the lighthouse on the Maplin Sand thence passing straight to the said lighthouse thence passing straight to the West Shoebury Buoy thence passing straight to a point at low-water mark of ordinary tides at the entrance to Holy Haven Creek in the said county thence passing along the shore at low-water mark of ordinary tides (passing straight across all creeks and inlets) to a point due south of the western point of the entrance to Bill Meroy Creek near Tilbury Fort in the said county and thence passing due north-west to high-water mark of ordinary tides.

Southward limit :

A line passing straight from the southern extremity of the said seaward limit to a point four statute miles and five furlongs from the Sheppeylands End near the north-easternmost point of the Isle of Sheppey in the county of Kent and being in a straight line between the said southern extremity and Sheppeylands End thence passing straight to a point one furlong due north of London Stone at the eastern point of the entrance to Yantlet Creek in the said county thence passing straight in a north-westerly direction to low-water mark of ordinary tides thence passing along the shore at low-water mark of ordinary tides to a point due south of the western point of the entrance to the said Bill Meroy Creek and thence passing due south to high-water mark of ordinary tides.

Inland limit :

High-water mark of ordinary tides from the most westwardly points of the said northward and southward limits respectively to London Bridge throughout the River Thames and the several channels streams and rivers falling into the River Thames between either of the said points and London Bridge.

THE THIRD SCHEDULE.

[Form of proxy paper for elections by shipowners, by owners of sailing barges, lighters, and steam tugs, by dockowners, and by wharfingers.]

THE FOURTH SCHEDULE.

Maximum Pleasure Boat Tolls.

For every steam pleasure boat and passenger steamer	Eighteenpence
Class 1.—For every sculling boat pair-oared row-boat and skiff and for every randan canoe punt and dingey	Threepence
Class 2.—For every four-oared row-boat (other than the boats enumerated in Class 1) and sailing boat	Sixpence
Class 3.—For every row-boat shallop over four oars (other than the boats enumerated in Classes 1 and 2)	One shilling
For every house-boat under fifty feet in length	One shilling and sixpence
For every house-boat over fifty feet in length	Two shillings and sixpence
The above charges to be for passing once through by or over a lock and returning on the same day.	

In lieu of the above tolls pleasure steamboats or row-boats may be registered on the payment to the Conservators of the under-mentioned sums and shall in consideration of such payment pass the several locks free of any other charge from the 1st day of January to the 31st day of December in each year.

Per annum.

For every steam pleasure boat and steam passenger boat not exceeding thirty-five feet in length	One hundred shillings
Ditto above thirty-five feet in length but not exceeding forty-five feet	One hundred and fifty shillings
Ditto above forty-five feet	Two hundred shillings
For every row-boat of Class 1	Forty shillings
For every row-boat or yacht of Class 2	Fifty shillings
For every row-boat of Class 3	Sixty shillings
For every house-boat under fifty feet in length	One hundred shillings
Ditto above fifty feet in length	One hundred and fifty shillings

In computing the tolls every number less than the entire numbers above stated is to be charged as the entire number.

Every vessel carried in or upon another vessel through by or over any lock to be charged as if separately navigated through by or over such lock but to an extent not exceeding one-third of such maximum tolls.

THE FIFTH SCHEDULE.

[Forms for use in connexion with debenture stock.]

THE SIXTH SCHEDULE.

Sums annually payable under this Act by Water Companies to Conservators.

Companies.	Amounts of Annual Payments.
	£
The Governor and Company of Chelsea Waterworks . . .	3,169
The Company of Proprietors of Lambeth Waterworks . . .	3,357
† The Grand Junction Waterworks Company . . .	3,378
† The Southwark and Vauxhall Water Company . . .	3,378
The Company of Proprietors of the West Middlesex Waterworks . . .	3,378
The East London Waterworks Company . . .	2,840
The West Surrey Water Company . . .	50*
The South West Suburban Water Company . . .	115

* NOTE.—If the West Surrey Water Company in any year take from the Thames a quantity of water exceeding an average daily quantity of 500,000 gallons the amount of that Company's annual payment shall in that year and thereafter be 100*l.* if exceeding an average daily quantity of 1,000,000 gallons the amount aforesaid shall be 150*l.* and so on.

[*The amounts referred to in this Schedule are now considerably increased. See the annual report of the Metropolitan Water Board for the year ended 31st March 1906, made pursuant to s. 28 of 2 Edw. 7, c. 41.*]

THE SEVENTH SCHEDULE.

Agreements under which Water Companies pay annual sums to Conservators.

Dates of Agreements.	Parties to Agreements.
17th June 1852 . . .	The Governor and Company of Chelsea Waterworks † and the Common Council.
23rd December 1886 . . .	The same and the Conservators.
24th June 1851 . . .	The Company of Proprietors of Lambeth Waterworks † and the Common Council.
23rd December 1886 . . .	The same and the Conservators.
23rd June 1852 . . .	The Grand Junction Waterworks Company † and the Common Council.
23rd December 1886 . . .	The same and the Conservators.
1st July 1852 . . .	The Southwark and Vauxhall Water Company † and the Common Council.
23rd December 1886 . . .	The same and the Conservators.
22nd June 1852 . . .	The Company of Proprietors of the West Middlesex Waterworks † and the Common Council.
23rd December 1886 . . .	The same and the Conservators.
22nd October 1888 . . .	The South West Suburban Water Company and the Conservators.

60 & 61 VICTORIA. A.D. 1897.

CHAPTER 56.

AN ACT TO AMEND THE LAW RESPECTING THE METROPOLITAN WATER COMPANIES. [6th August 1897.]

Complaint may be made to Railway and Canal Commission.

1.—(1.) Any water consumer or any local authority may complain to the Railway and Canal Commission that any of the metropolitan water companies has failed to perform some statutory duty of the company, and the Commission may hear and determine that complaint, and if satisfied of such failure order the company within the time limited by the order to

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

fulfil the duty, and may, if they think fit, by any such order, impose any penalty for such failure which can be imposed under any Act, and enforce any such order in like manner as any other order of the Commission.

(2.) If at any time complaint as to the quantity or quality of the water supplied by any of the metropolitan water companies for domestic use* is made to the Railway and Canal Commission, by any water consumer or local authority, the Commission may hear and determine such complaint, and if satisfied that the complaint is well founded, may order the company, within such reasonable time as is specified in the order, to remove the ground of such complaint, and may enforce such order in like manner as any other order of the Commission, and may award damages to the complainant.

(3.) All enactments relating to the Railway and Canal Commission (except section two of the Railway and Canal Traffic Act, 1894, which 57 & 58 Vict. c. 54. restricts the power to award costs) shall, with the necessary modifications, apply to the Railway and Canal Commission for the purpose of their jurisdiction under this Act.

(4.) This Act shall be in addition to and not in substitution for any existing proceedings or remedy.

2. A local authority may aid any water consumer in obtaining the determination of any question which appears to the local authority to be of interest to water consumers within the district of such local authority with respect to the rights, duties, and liabilities of any of the metropolitan water companies in reference to the quantity or quality of water supplied or the charges made by them. A local authority aiding any legal proceedings under this section may, if the court think fit, be made a party to the proceedings, and shall be liable for costs accordingly. Power of local authorities to aid water consumers.

3. The Metropolis Water Act, 1852, and the Metropolis Water Act, 1871, shall, as respects the metropolitan water companies, extend to the whole of the area within which any of the companies is for the time being authorised to supply water, and for the purpose of the said Acts as so extended reference to that area shall be substituted for references to "the metropolis" and "the limits of this Act," and as respects any area outside the administrative county of London a reference to the council of a county or county borough shall be substituted for a reference to the metropolitan authority, and so much of the said Acts or of any local Act as is inconsistent with such substitution shall be and is hereby repealed. Extension to whole water area, and adaptation of Metropolis Water Acts. 15 & 16 Vict. c. 84. 34 & 35 Vict. c. 113.

4. The Railway Commissioners shall include in their annual report a return of all proceedings taken before them under this Act. Return of proceedings taken.

5. In this Act, unless the context otherwise requires,—

The expression "metropolitan water companies" means the water companies† specified in section three of the Metropolis Water Act, 1871, namely; the New River Company, the East London Waterworks Company, the Southwark and Vauxhall Water Company, the Company of Proprietors of the West Middlesex Waterworks, the Company of Proprietors of Lambeth Waterworks, the Governor and Company of Chelsea Waterworks, the Grand Junction Waterworks Company, and the Company of Proprietors of the Kent Waterworks; Definitions. 34 & 35 Vict. c. 113.

The expression "water consumer" means any person who is supplied with water by any of the metropolitan water companies, or who pays or is liable to pay any money charged by any of those companies for or in respect of the supply of water, whether under the name of rent, rate, or otherwise, and includes any householder or owner or occupier of a house entitled to make a communication with the mains or pipes of any of those companies: Provided that nothing in this Act shall affect the terms of any agreement existing

* See footnote on s. 50 of 54 & 55 Vict. c. 76.

† Now the Metropolitan Water Board. See 2 Edw. 7, c. 41.

at the time of the passing of this Act between a water company and a water consumer as to the supply of water :

The expression "local authority" means the council of any county, borough, or district, the mayor, aldermen, and commonalty of the City of London, and any vestry,* district board,* or local board of health* in the county of London.

Short title
and com-
mencement.

6.—(1.) This Act may be cited as the Metropolis Water Act, 1897.

(2.) This Act shall come into operation on the first day of September next after the passing thereof.

63 & 64 VICTORIA. A.D. 1900.

CHAPTER 13.

AN ACT TO AMEND THE COUNTY COUNCILS (ELECTIONS) ACT, 1891.

[10th July 1900.]

Short title.

1. This Act may be cited as the County Councils (Elections) Amendment Act, 1900.

Date of
holding
quarterly
meeting
of county
councils.
54 & 55 Vict.
c. 68.

2. In any year, which is not the year of election of county councillors, the ordinary day of election of the chairman . . . referred to in subsection (3) of section one of the County Councils (Elections) Act, 1891, may, notwithstanding anything in that subsection, be such day in the months of March, April, or May as the county council shall from time to time determine. [*Part omitted (as to the day for holding quarterly meetings) not applicable to London.*]

Extent of
Act.

3. This Act shall not apply to Scotland or Ireland.

CHAPTER 59.

AN ACT TO AMEND PART III. OF THE HOUSING OF THE WORKING CLASSES ACT, 1890.

[8th August 1900.]

Exercise of
powers out-
side district.

1. Where any council, other than a rural district council, have adopted Part Three of the Housing of the Working Classes Act, 1890 (in this Act referred to as "the principal Act"), they may, for supplying the needs of their district, establish or acquire lodging houses for the working classes under that part outside their district.

53 & 54 Vict.
c. 70.

2. (3.) The principal Act is hereby repealed to the extent mentioned in the third column of the Schedule to this Act. [*Part omitted (as to the adoption of Part III. of the principal Act by rural district councils). Not applicable to London.*]

Provisions as
to metro-
politan
borough
councils.

3.—(1.) Any expenses incurred by the council of a metropolitan borough under Part III. of the principal Act, whether within or without the borough, shall be defrayed as part of the ordinary expenses of the council, and in that Act the expressions "district," "local authority," and "local rate" shall, for the purposes of Part III. of the Act, include a metropolitan borough, the council of the borough, and the general rate of the borough.

(2.) Where the council of a metropolitan borough adopt Part III. of the principal Act, the power of the council to borrow for the purposes of that part shall be exerciseable in the like manner and subject to the like conditions as the power of the council to borrow for the purposes of Part II. of that Act.

Accounts.

4. Where land acquired by a council under Part III. of the principal Act is appropriated for the purpose of re-housing persons displaced by the council under the powers of any other part of that Act or of any other

* Now the councils of the metropolitan boroughs. See 62 & 63 Vict. c. 14, s. 4.

enactment, the receipts and expenditure in respect of that land (including all costs in respect of the acquisition and laying out of the land), and of any buildings erected thereon, may be treated as receipts and expenditure under that part or enactment, but shall be accounted for under a separate head.

5.—(1.) The local authority, if not a rural district council, with the consent of the Local Government Board, and if a rural district council with the consent of the county council, may lease any land acquired by them under and for the purposes of Part III. of the principal Act to any lessee for the purpose and under the condition that the lessee will carry the Act into execution by building and maintaining on the land lodging houses within the meaning of the Act; and the local authority shall insert in every lease all necessary provisions for insuring the user of the land and buildings for lodging houses within the meaning of the Act, and in particular the local authority shall insert in any lease provisions binding the lessee to build on the land as in the lease prescribed, and to maintain and repair the buildings, and securing the use of the buildings exclusively as lodging houses within the meaning of the Act, and prohibiting any addition to or alteration of the character of the buildings without the consent of the local authority; and also a provision for the re-entry of the local authority on the land on the breach of any of the terms of the lease; and every deed or instrument of demise of the land or buildings shall be endorsed with notice of this subsection.

Provided that in the case of a council in London, the consent of a Secretary of State shall be substituted for the consent of the Local Government Board. [See 53 & 54 Vict. c. 70, s. 8 and note thereon.]

(2.) Sections sixty-one and sixty-two of the principal Act shall not extend to any lodging house to which this section applies.

6. [Powers of county council to act on default of rural council. Not applicable to London.]

7. Where land is acquired under Part III. of the principal Act otherwise than by agreement, any question as to the amount of compensation which may arise shall in default of agreement be determined by a single arbitrator to be appointed and removable by the Local Government Board, and subsections (5), (7), (8), (10), and (11) of section forty-one of the Act shall apply as in the case of an arbitration under that section. *Provided that in the case of a council in London a Secretary of State shall be substituted for the Local Government Board.* [See 53 & 54 Vict. c. 70, s. 8 and note thereon.]

8.—(1.) This Act may be cited as the Housing of the Working Classes Act, 1900, and the Housing of the Working Classes Acts, 1890 to 1894, and this Act may be cited together as the Housing of the Working Classes Acts, 1890 to 1900.

(2.) This Act shall not extend to Scotland or Ireland.

SCHEDULE.

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The proviso to section fifty-four. Section fifty-five. In section sixty-five, the words from "and save where" to "bear such expenses," and the words "at the time of the publication of the certificate" and "who publish the same."

1 EDWARD VII. A.D. 1901.**CHAPTER CCLXXI.**

* AN ACT TO ENABLE THE LONDON COUNTY COUNCIL TO CONSTRUCT NEW TRAMWAYS AND TO RECONSTRUCT AND ALTER TRAMWAYS IN THE COUNTY OF LONDON TO WORK TRAMWAYS BY ELECTRIC TRACTION AND TO MAKE STREET IMPROVEMENTS AND FOR OTHER PURPOSES.
[17th August 1901.]

Short title. **1.** This Act may be cited as the London County Council (Tramways and Improvements) Act, 1901.

For pro-
tection of
Postmaster-
General.

19.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any tramways of the Council being worked by electricity the following provisions shall have effect :—

- (1) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Council as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the undertaking of the Council the Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Council as to any requirement so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Council's works or to the

* The sections of this Act set out here are in the nature of common form sections appearing or incorporated in many of the Council's private tramway Acts set out in this work.

working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Council enter any of the Council's works for the purpose of inspecting the Council's plant and the working of the same and the Council shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Council pursuant to the Board of Trade regulations :

- (5) If a telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Council be injuriously affected and he is unable to ascertain whether such injurious affection is caused by the Council or by any other persons generating or using electric currents for traction purposes the Postmaster-General may give notice to the Council requiring them to make at such times as he may specify such experiments (by working their generating stations running their cars or otherwise working any part of their undertaking or in case of continuous working by stopping the current generated for the purposes of their undertaking at such times as would not unduly interfere with the traffic) as he may deem necessary to enable him to discover which of the undertakings causes the disturbance and such experiments shall be carried out by the Council as and when required by the Postmaster-General :
- (6) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (7) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (8) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (9) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (10) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (11) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act :
- (12) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the

Council by indictment action or otherwise in relation to any of the matters aforesaid:

- (13) In this section the expression "the Council" includes their lessees and any person owning working or running carriages on any of the tramways of the Council.

Streets may
be raised or
lowered.

29. Subject to the provisions of this Act the Council may for the purposes of and in connexion with the improvements alter the line or level of any of the streets and places described on the deposited plans or sections as intended to be diverted raised or lowered in the manner shown on such plans or sections.

Deviation
from line
and levels.

30. In making any of the works for or connected with the improvements the Council may subject to the provisions of this Act deviate to any extent from the line thereof within the limits of deviation defined on the deposited plans and the Council may subject to the provisions of this Act deviate to any extent from the levels thereof defined on the deposited sections not exceeding three feet from the levels thereof as defined on the said sections.

Carriage-
way foot-
way sewers
and other
works.

32. Subject to the provisions of this Act the Council may cause such parts of the improvements to be laid out for carriageway (including where authorised by this Act the laying of a tramway) and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of the improvements.

Directing
how pave-
ment shall
be laid and
made.

33. The Council shall for the purposes of and in connexion with the improvements in a substantial and workmanlike manner fill or cause to be filled in all and every the vaults cellars and open places over which it may be necessary to new pave (except such as are capable of being used as cellars vaults or areas) with good sound hard brick or other rubbish to be well rammed down to prevent the ground from giving way and shall well and effectually pave over all the said ground with a sufficient quantity of materials of proper quality and dimensions and shall in like manner erect and build any underground arches which they may think necessary and also relay and repair the streets which they may disturb or alter in carrying the purposes of this Act into execution. Provided always that nothing herein contained shall extend or be construed to extend to charge the Council with the liability or expense of repairing or making good such pavement or arches in future but when the same shall have been in the first instance so paved relaid erected built and repaired as aforesaid the same shall for ever thereafter be kept in repair by the authority in whom the management and repair of the street are vested or by any other parties or persons liable to repair the same.

Sewers or
drains to
be arched
over or
filled up.

34. The Council may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets to be interfered with for the purposes of the improvements as shall appear necessary for executing the purposes of this Act but so that no public sewer or drain (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof) shall be in anywise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient. Provided always that before removing or filling up any sewer or drain or part thereof as aforesaid the Council shall (where necessary) cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains.

35. The Council within the limits of deviation defined on the deposited plans may for the purposes of and in connexion with the improvements raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fenceings windows and water-courses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Council shall make reasonable compensation to any person who suffers damage by any such alteration.

Power to alter steps areas pipes etc.

38. The Council may sell or dispose of all building and other materials of any houses and buildings acquired by them under the powers of this Act and all lamp-posts paving metalling and materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Council under the powers of this Act.

Power to sell materials.

42. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the Council may after ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction apply to a metropolitan police magistrate for the correction thereof and if it shall appear to such magistrate that such omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of London and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Council may take the lands in accordance with such certificate.

Correction of errors etc. in deposited plans and book of reference.

43. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the land and buildings by this Act authorised to be taken and used as aforesaid for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to Council to enter upon property for survey and valuation.

44. The court or person to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if they or he shall be of opinion that no such statement giving sufficient particulars shall have been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff (including the costs of summoning empannelling and returning the jury and of taking the inquiry and in recording the verdict and judgment therein) shall be defrayed by the person with whom the Council shall have such question and the remaining half shall be defrayed by the Council anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding Provided that it shall be lawful for any Judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case

Costs of arbitration etc. in certain cases.

of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the Judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such Judge may seem just and proper under all the circumstances of the case. Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Alteration
of position of
water gas
and other
pipes.

48. The Council may for the purposes of this Act upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined on the deposited plans or in which any tramways are authorised to be made or reconstructed under the powers of this Act raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by any company or person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person for any damage caused by any such alteration. Provided always that before the Council alter the position of any main pipe or apparatus laid down or used by any such company or person they shall (except in cases of emergency) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Council) of the company or person to whom such pipe or apparatus belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the engineer of such company or person. Provided also that the Council shall not cause any street to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Council shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide special means of access to the same to the satisfaction of the engineer of such company or person :

If any difference arise between the Council or their engineer and any such company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Council to any such company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineer of the Council and of any such company or person respectively or failing agreement by such engineer as shall on the

application of the engineer either of the Council or of any such company or person be named by the president for the time being of the Institution of Civil Engineers :

Provided also that the Council shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down for telegraphic or other purposes and belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

Provided always that nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any undertakers authorised to supply electrical energy contained in any special Act or any Provisional Order confirmed by Act of Parliament.

49. If within seven days after a notice under the preceding section of this Act shall have been served upon any gas or water company that company so elect such company shall themselves execute all such alterations to their mains and pipes as may from time to time be necessary and the reasonable costs of executing such alterations shall be repaid by the Council to such company. Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the chief engineer of the Council.

66. Where under the powers of this Act an improvement has been or is to be carried out at the joint cost of the Council and of the council of a metropolitan borough it shall be lawful for the Council and such borough council to enter into and carry into effect any agreement for determining the amount of the respective contributions of the Council and such borough council and for settling and closing the account between them in relation to the improvement although the improvement may not be at the time completed and although the total cost of the improvement may not have been at the time ascertained and either party may accept from the other of them and the other of them may make a conveyance or assignment of any estate or interest in any surplus lands in connexion with such settlement in such manner as may be agreed between them.

CHAPTER CCLXXII.

* AN ACT TO EMPOWER THE LONDON COUNTY COUNCIL TO MAKE STREET IMPROVEMENTS AND WORKS AND TO PURCHASE LANDS IN THE ADMINISTRATIVE COUNTY OF LONDON AND FOR OTHER PURPOSES.

[17th August 1901.]

1. This Act shall be cited as the London County Council (General Powers) Act, 1901.

8. Subject to the provisions of this Act the Council may for the purposes of and in connexion with the improvements alter the line or level of any of the streets and places described on the deposited plans or sections as intended to be diverted raised or lowered in the manner shown on such plans or sections.

9. In making any of the works for or connected with the improvements the Council may subject to the provisions of this Act deviate to any extent from the line thereof within the limits of deviation defined on the deposited plans and the Council may subject to the provisions of this Act deviate to any extent from the levels thereof defined on the deposited sections not exceeding three feet from the levels thereof as defined on the said sections.

* The sections of this Act set out here are in the nature of common form sections appearing or incorporated in many of the London County Council's private Acts contained in this work and authorising street improvements.

Alteration
of electric
lines.

13. Where the Council widen or alter any street in which an electric line is laid under the powers of any Act or Order the owners of such line may make such alteration in the position of such line as may be reasonably necessary subject to such provisions (so far as applicable) as apply in the case of altering such line under their existing powers and any costs reasonably incurred by the owners of such line in such alteration shall be defrayed by the Council.

Carriage-
way footway
sewers and
other works.

14. Subject to the provisions of this Act the Council may cause such parts of the improvements to be laid out for carriage-way and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of the improvements.

Directing
how the
pavement
shall be laid
and made.

15. The Council shall for the purposes of and in connexion with the improvements in a substantial and workmanlike manner fill or cause to be filled in all and every the vaults cellars and open places over which it may be necessary to new pave (except such as are capable of being used as cellars vaults or areas) with good sound hard brick or other rubbish to be well rammed down to prevent the ground from giving way and shall well and effectually pave over all the said ground with a sufficient quantity of materials of proper quality and dimensions and shall in like manner erect and build any underground arches which they may think necessary and also relay and repair the streets which they may disturb or alter in carrying the purposes of this Act into execution. Provided always that nothing herein contained shall extend or be construed to extend to charge the Council with the liability or expense of repairing or making good such pavement or arches in future but when the same shall have been in the first instance so paved relaid erected built and repaired as aforesaid the same shall for ever thereafter be kept in repair by the authority in whom the management and repair of the street are vested or by any other parties or persons liable to repair the same.

Sewers or
drains to be
arched over
or filled up.

16. The Council may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets to be interfered with for the purposes of the improvements as shall appear necessary for executing the purposes of this Act so as that no public sewer or drain (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof) shall be in any wise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient. Provided always that before removing or filling up any sewer or drain or part thereof as aforesaid the Council shall (where necessary) cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains.

Power to
alter steps
areas
pipes etc.

17. The Council within the limits of deviation defined on the deposited plans may for the purposes of and in connexion with the improvements raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fencings windows and water-courses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Council shall make reasonable compensation to any person who suffers damage by any such alteration.

Period for
completion
of improve-
ments.

19. If the improvements be not completed within the period of five years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the execution of the said

improvements shall cease (except so far as the same shall then have been completed).

21. The Council may sell or dispose of all building and other materials of any houses and buildings acquired by them under the powers of this Act and all lamp-posts paving metalling and materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Council under the powers of this Act.

Power to sell materials.

25. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the Council may after ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction apply to a metropolitan police magistrate for the correction thereof and if it shall appear to such magistrate that such omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the Clerk of the Peace for the county of London and shall be kept by such Clerk of the Peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Council may take the lands in accordance with such certificate.

Correction of errors etc. in deposited plans and book of reference.

26. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours and afterwards from time to time twelve hours previous notice enter upon and into the lands and buildings by this Act authorised to be taken and used as aforesaid or within the improvement area hereafter defined or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to Council to enter upon property for survey and valuation.

27. The court or person to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if they or he shall be of opinion that no such statement giving sufficient particulars shall have been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff (including the costs of summoning empannelling and returning the jury and of taking the inquiry and in recording the verdict and judgment therein) shall be defrayed by the person with whom the Council shall have such question and the remaining half shall be defrayed by the Council anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding Provided that it shall be lawful for any Judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an

Costs of arbitration etc. in certain cases.

offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such Judge may seem just and proper under all the circumstances of the case. Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Compensation in case of insanitary property.

30. The Council may with the approval of the Secretary of State for the Home Department claim in any notice to treat for the purchase of any lands intended to be taken for the purpose of this Act—

That the lands to which the notice refers are or comprise any houses courts or alleys unfit for human habitation ;

That the narrowness closeness and bad arrangement or the bad condition of the streets and houses or groups of houses upon any such lands or the want of light air ventilation or proper conveniences or any other sanitary defects or one or more of such causes renders any such lands or any buildings thereon prejudicial to the health of the inhabitants either of the buildings on the said lands or of the neighbouring buildings :

And in the event of any such claim then on the occasion of assessing the amount of compensation payable in respect of such lands the court or person settling the same shall determine whether such lands fall wholly or in part within any of the descriptions herein-before mentioned and if they shall so decide then in assessing the compensation payable under this Act in respect of any such lands evidence shall be receivable by such court or person to prove—

(1st) That the rental of any house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates ;

(2ndly) That any house or premises are in a state of defective sanitation or are not in reasonably good repair ; or

(3rdly) That any buildings on any such lands are unfit and not reasonably capable of being made fit for human habitation :

And if such court or person be satisfied by such evidence then the purchase-money and compensation in respect thereof shall be assessed and determined according to the principles indicated in section 21 of the Housing of the Working Classes Act 1890.

The Council shall pay to the Secretary of State a reasonable sum to be fixed by him in respect of any expenses which he may incur in making such inquiries as he may deem necessary in relation to any claim submitted for his approval under this section.

Limitation of time for purchase of lands.

31. The powers of the Council for the compulsory purchase or taking of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

32. [*Power to the Council to lease surplus lands. Identical with 62 & 63 Vict. c. cccxxvii. s. 19.*]

34—35. [*Power to the Council to sell land in the first instance without having previously granted a lease thereof, and to let or exchange lands. Identical with 62 & 63 Vict. c. cccxxvii. ss. 21—22.*]

Council to dispose of lands within a certain period.

36. Any lands acquired by the Council under the powers of this Act except such as are required to form part of any improvement or to be permanently retained for the purposes of this Act and except lands on which buildings shall have been erected by the Council in pursuance of the section of this Act of which the marginal note is "Scheme as to accommodation for persons of the labouring class displaced" shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after

the passing of this Act and section 127 of the Lands Clauses Consolidation Act 1845 shall not apply to any lands acquired by the Council under the powers of this Act.

37. *[Receipts of Council to be effectual discharges. Identical with 54 & 55 Viet. c. cxi. s. 33.]*

2 EDWARD VII. A.D. 1902.

CHAPTER 42.

AN ACT TO MAKE FURTHER PROVISION WITH RESPECT TO EDUCATION IN ENGLAND AND WALES. [18th December 1902.]

PART I.

LOCAL EDUCATION AUTHORITY.

1. For the purposes of this Act the council of every county and of every county borough shall be the local education authority. Local education authorities.

[Part omitted (proviso that the council of a borough with a population of over 10,000 or of an urban district with a population of over 20,000 shall be a local education authority for the purpose of Part III. of this Act) not applicable to London.]

PART II.

HIGHER EDUCATION.

2.—(1) The local education authority shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of education other than elementary, and to promote the general co-ordination of all forms of education, and for that purpose shall apply all or so much as they deem necessary of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, and shall carry forward for the like purpose any balance thereof which may remain unexpended, and may spend such further sums as they think fit. . . . 53 & 54 Viet. c. 60. *[Part omitted (proviso limiting the rate under this Act to 2d. in the £, or such higher rate as the County Council with the consent of the Local Government Board may fix) not applicable to London. See 3 Edw. 7, c. 24, 1st Sch. par. 2.]*

(2) A council, in exercising their powers under this part of this Act, shall have regard to any existing supply of efficient schools or colleges, and to any steps already taken for the purposes of higher education under the Technical Instruction Acts, 1889 and 1891. 52 & 53 Viet. c. 76.
54 & 55 Viet. c. 4. *[See 3 Edw. 7, c. 24, 1st Sch. pars. 1 (b) and 10.]*

3. The council of any non-county borough or urban district shall have power as well as the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary: Provided that the amount raised by the council of a non-county borough or urban district for the purpose in any year out of rates under this Act shall not exceed the amount which would be produced by a rate of one penny in the pound. Concurrent powers of smaller boroughs and urban districts. *[See 3 Edw. 7, c. 24, 1st Sch. par. 1 (b).]*

4.—(1) A council, in the application of money under this part of this Act, shall not require that any particular form of religious instruction or worship or any religious catechism or formulary which is distinctive of any particular denomination shall or shall not be taught, used, or practised in any school, college, or hostel aided but not provided by the council, and no pupil shall, on the ground of religious belief, be excluded from or placed in Religious instruction.

an inferior position in any school, college, or hostel provided by the council, and no catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel so provided, except in cases where the council, at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council: Provided that in the exercise of this power no unfair preference shall be shown to any religious denomination. [*See 3 Edw. 7, c. 24, 1st Sch. par. 1 (b).*]

(2) In a school or college receiving a grant from, or maintained by, a council under this part of this Act,

(a) A scholar attending as a day or evening scholar shall not be required, as a condition of being admitted into or remaining in the school or college, to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and

(b) The times for religious worship or for any lesson on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.

PART III.

ELEMENTARY EDUCATION.

Powers and duties as to elementary education.

5. The local education authority shall throughout their area * have the powers and duties of a school board and school attendance committee under the Elementary Education Acts, 1870 to 1900, and any other Acts, including local Acts, and shall also be responsible for and have the control of all secular instruction in public elementary schools not provided by them, and school boards and school attendance committees shall be abolished. [*See 3 Edw. 7, c. 24, s. 2.*]

6.—(1) [*As to the constitution of managers of provided schools. Not applicable to London. See 3 Edw. 7, c. 24, s. 2 (1) and 1st Sch. par. 3.*]

(2) All public elementary schools not provided by the local education authority shall, in place of the existing managers, have a body of managers consisting of a number of foundation managers not exceeding four appointed as provided by this Act, together with a number of managers not exceeding two appointed—

(a) where the local education authority are the council of a county, one by that council and one by the minor local authority †; and

(b) where the local education authority are the council of a borough or urban district, both by that authority.

(3) Notwithstanding anything in this section—

(a) Schools may be grouped under one body of managers in manner provided by this Act; and

(b) Where the local education authority consider that the circumstances of any school require a larger body of managers than that provided under this section, that authority may increase the total number of managers, so, however, that the number of each class of managers is proportionately increased. [*See 3 Edw. 7, c. 24, s. 2 (1).*]

[*Words in italics not applicable to London.*]

Maintenance of schools.

7.—(1) The local education authority shall maintain and keep efficient all public elementary schools within their area * which are necessary, and have the control of all expenditure required for that purpose, other than expenditure for which, under this Act, provision is to be made by the

* See 3 Edw. 7, c. 24, s. 3 (1).

† As regards London, a metropolitan borough council or, in the city of London, the Mayor, aldermen, and commons of the city of London in Common Council. See s. 24 (2), and 3 Edw. 7, c. 24, s. 4 (2) and 1st Sch. par. 1.

managers; but, in the case of a school not provided by them, only so long as the following conditions and provisions are complied with:—

- (a) The managers of the school shall carry out any directions of the local education authority as to the secular instruction to be given in the school, including any directions with respect to the number and educational qualifications of the teachers to be employed for such instruction, and for the dismissal of any teacher on educational grounds, and if the managers fail to carry out any such direction the local education authority shall, in addition to their other powers, have the power themselves to carry out the direction in question as if they were the managers; but no direction given under this provision shall be such as to interfere with reasonable facilities for religious instruction during school hours;
 - (b) The local education authority shall have power to inspect the school;
 - (c) The consent of the local education authority shall be required to the appointment of teachers, but that consent shall not be withheld except on educational grounds; and the consent of the authority shall also be required to the dismissal of a teacher unless the dismissal be on grounds connected with the giving of religious instruction in the school;
 - (d) The managers of the school shall provide the school house free of any charge, except for the teacher's dwelling-house (if any), to the local education authority for use as a public elementary school, and shall, out of funds provided by them, keep the school house in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority; Provided that such damage as the local authority consider to be due to fair wear and tear in the use of any room in the school house for the purpose of a public elementary school shall be made good by the local education authority.
 - (e) The managers of the school shall, if the local education authority have no suitable accommodation in schools provided by them, allow that authority to use any room in the school house out of school hours free of charge for any educational purpose, but this obligation shall not extend to more than three days in the week.
- (2) The managers of a school maintained but not provided by the local education authority, in respect of the use by them of the school furniture out of school hours, and the local education authority in respect of the use by them of any room in the school house out of school hours, shall be liable to make good any damage caused to the furniture or the room, as the case may be, by reason of that use (other than damage arising from fair wear and tear), and the managers shall take care that, after the use of a room in the school house by them, the room is left in a proper condition for school purposes.
- (3) If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the Board of Education.
- (4) One of the conditions required to be fulfilled by an elementary school in order to obtain a parliamentary grant shall be that it is maintained under and complies with the provisions of this section.
- (5) In public elementary schools maintained but not provided by the local education authority, assistant teachers and pupil teachers may be appointed, if it is thought fit, without reference to religious creed and denomination, and, in any case in which there are more candidates for the post of pupil teacher than there are places to be filled, the appointment shall be made by the local education authority, and they shall deter-

mine the respective qualifications of the candidates by examination or otherwise.

(6) Religious instruction given in a public elementary school not provided by the local education authority shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: Provided that nothing in this subsection shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority so far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed.

(7) The managers of a school maintained but not provided by the local education authority shall have all powers of management required for the purpose of carrying out this Act, and shall (subject to the powers of the local education authority under this section) have the exclusive power of appointing and dismissing teachers.

Provision of
new schools.

8.—(1) Where the local education authority or any other persons propose to provide a new public elementary school, they shall give public notice of their intention to do so, and the managers of any existing school, or the local education authority (where they are not themselves the persons proposing to provide the school), or any ten ratepayers in the area for which it is proposed to provide the school, may, within three months after the notice is given, appeal to the Board of Education on the ground that the proposed school is not required, or that a school provided by the local education authority, or not so provided, as the case may be, is better suited to meet the wants of the district than the school proposed to be provided, and any school built in contravention of the decision of the Board of Education on such appeal shall be treated as unnecessary.

(2) If, in the opinion of the Board of Education, any enlargement of a public elementary school is such as to amount to the provision of a new school, that enlargement shall be so treated for the purposes of this section.

(3) Any transfer of a public elementary school to or from a local education authority shall for the purposes of this section be treated as the provision of a new school.

[See 3 *Edw. 7, c. 24, s. 2 (2) and (3).*]

Necessity of
schools.

9. The Board of Education shall, without unnecessary delay, determine, in case of dispute, whether a school is necessary or not, and, in so determining, and also in deciding on any appeal as to the provision of a new school, shall have regard to the interest of secular instruction, to the wishes of parents as to the education of their children, and to the economy of the rates; but a school for the time being recognized as a public elementary school shall not be considered unnecessary in which the number of scholars in average attendance, as computed by the Board of Education, is not less than thirty. [See 3 *Edw. 7, c. 24, s. 2 (2) and (3).*]

Aid grant.
60 & 61 Vict.
c. 5.
33 & 34 Vict.
c. 75.
60 & 61 Vict.
c. 16.

10.—(1) In lieu of the grants under the Voluntary Schools Act, 1897, and under section ninety-seven of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1897, there shall be annually paid to every local education authority, out of moneys provided by Parliament—

(a) a sum equal to four shillings per scholar; and

(b) an additional sum of three halfpence per scholar for every complete twopence per scholar by which the amount which would be produced by a penny rate on the area of the authority falls short of ten shillings a scholar: Provided that, in estimating the produce of a penny rate in the area of a local education authority not being a county borough, the rate shall be calculated upon the county rate basis, which, in cases where part only of a parish is situated in the area of the local education authority,

shall be apportioned in such manner as the Board of Education think just.

But if in any year the total amount of parliamentary grants payable to a local education authority would make the amount payable out of other sources by that authority on account of their expenses under this part of this Act less than the amount which would be produced by a rate of three-pence in the pound, the parliamentary grants shall be decreased, and the amount payable out of other sources shall be increased by a sum equal in each case to half the difference.

(2) For the purposes of this section the number of scholars shall be taken to be the number of scholars in average attendance, as computed by the Board of Education, in public elementary schools maintained by the authority.

11.—(1) The foundation managers of a school shall be managers appointed under the provisions of the trust deed of the school, but if it is shown to the satisfaction of the Board of Education that the provisions of the trust deed as to the appointment of managers are in any respect inconsistent with the provisions of this Act, or insufficient or inapplicable for the purpose, or that there is no such trust deed available, the Board of Education shall make an order under this section for the purpose of meeting the case. Foundation managers.

(2) Any such order may be made on the application of the existing owners, trustees, or managers of the school, made within a period of three months after the passing of this Act, and after that period on the application of the local education authority or any other person interested in the management of the school, and any such order, where it modifies the trust deed, shall have effect as part of the trust deed, and where there is no trust deed shall have effect as if it were contained in a trust deed. [See 3 Edw. 7, c. 24, 1st Sch. par. 10.]

(3) Notice of any such application, together with a copy of the draft final order proposed to be made thereon, shall be given by the Board of Education to the local education authority and the existing owners, trustees, and managers, and any other persons who appear to the Board of Education to be interested, and the final order shall not be made until six weeks after notice has been so given.

(4) In making an order under this section with regard to any school, the Board of Education shall have regard to the ownership of the school building, and to the principles on which the education given in the school has been conducted in the past.

(5) The Board of Education may, if they think that the circumstances of the case require it, make any interim order on any application under this section to have temporary effect until the final order is made.

(6) The body of managers appointed under this Act for a public elementary school not provided by the local education authority shall be the managers of that school both for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, and, so far as respects the management of the school as a public elementary school, for the purpose of the trust deed.

(7) Where the receipt by a school, or the trustees or managers of a school, of any endowment or other benefit is, at the time of the passing of this Act, dependent on any qualification of the managers, the qualification of the foundation managers only shall, in case of question, be regarded. [See 3 Edw. 7, c. 24, 1st Sch. par. 10.]

(8) The Board of Education may, on the application of the managers of the school, the local education authority, or any person appearing to them to be interested in the school, revoke, vary, or amend any order made under this section by an order made in a similar manner; but before making any such order the draft thereof shall, as soon as may be, be laid before each House of Parliament, and, if within thirty days, being days on

which Parliament has sat, after the draft has been so laid before Parliament, either House resolves that the draft, or any part thereof, should not be proceeded with, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Grouping of
schools
under one
manage-
ment.

12.—(1) The local education authority *may group under one body of managers any public elementary schools provided by them*, and may also, with the consent of the managers of the schools, group under one body of managers any such schools not so provided.

(2) The body of managers of grouped schools shall consist of such number and be appointed in such manner and proportion as, *in the case of schools provided by the local education authority, may be determined by that authority*, and in the case of schools not so provided, may be agreed upon between the bodies of managers of the schools concerned and the local education authority, or in default of agreement may be determined by the Board of Education.

(3) Where the local education authority are the council of a county, they shall make provision for the due representation of minor local authorities on the bodies of managers of schools grouped under their direction.

(4) Any arrangement for grouping schools not provided by the local education authority shall, unless previously determined by consent of the parties concerned, remain in force for a period of three years.

[Words in italics not applicable to London. See 3 Edw. 7, c. 24, s. 2 (1) and 1st Sch. par. 3.]

Endow-
ments.

13.—(1) Nothing in this Act shall affect any endowment, or the discretion of any trustees in respect thereof: Provided that, where under the trusts or other provisions affecting any endowment the income thereof must be applied in whole or in part for those purposes of a public elementary school for which provision is to be made by the local education authority, the whole of the income or the part thereof, as the case may be, shall be paid to that authority, and, in case part only of such income must be so applied and there is no provision under the said trusts or provisions for determining the amount which represents that part, that amount shall be determined, in case of difference between the parties concerned, by the Board of Education; but if a public inquiry is demanded by the local education authority, the decision of the Board of Education shall not be given until after such an inquiry, of which ten days' previous notice shall be given to the local education authority and to the minor local authority and to the trustees, shall have been first held by the Board of Education at the cost of the local education authority. *[See 3 Edw. 7, c. 24, 1st Sch. par. 4.]*

[Part omitted (as to the application of money arising from endowments and paid to county councils) not applicable to London. See 3 Edw. 7, c. 24, 1st Sch. par. 4.]

Apportion-
ment of
school fees.

* **14.** Where before the passing of this Act † fees have been charged in any public elementary school not provided by the local education authority, that authority shall, while they continue to allow fees to be charged in respect of that school, pay such proportion of those fees as may be agreed upon, or, in default of agreement, determined by the Board of Education, to the managers.

Schools
attached to
institutions.

15. The local education authority may maintain as a public elementary school under the provisions of this Act, but shall not be required so to maintain, any Marine school, or any school which is part of, or is held in the premises of, any institution in which children are boarded, but their refusal to maintain such a school shall not render the school incapable of

* Fees in non-provided schools were abolished by the London County Council. See L.C.C. Minutes, 20th December 1904, p. 3240.

† See 3 Edw. 7, c. 24, 1st Sch. par. 10.

receiving a parliamentary grant, nor shall the school, if not so maintained, be subject to the provisions of this Act as to the appointment of managers, or as to control by the local education authority.

16. If the local education authority fail to fulfil any of their duties under the Elementary Education Acts, 1870 to 1900, or this Act, or fail to provide such additional public school accommodation within the meaning of the Elementary Education Act, 1870, as is, in the opinion of the Board of Education, necessary in any part of their area, the Board of Education may, after holding a public inquiry, make such order as they think necessary or proper for the purpose of compelling the authority to fulfil their duty, and any such order may be enforced by mandamus.

Power to enforce duties under Elementary Education Acts. 33 & 34 Vict. c. 75.

PART IV.

GENERAL.

17.—(1) Any council having powers under this Act * shall establish an education committee or education committees, constituted in accordance with a scheme made by the council and approved by the Board of Education: *Provided that if a Council having powers under Part II. only of this Act determine that an education committee is unnecessary in their case, it shall not be obligatory on them to establish such a committee.* [Words in italics not applicable to London.]

Education committees.

(2) All matters relating to the exercise by the council of their powers under this Act, except the power of raising a rate or borrowing money, shall stand referred to the education committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question. The council may also delegate to the education committee, with or without any restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money.†

(3) Every such scheme shall provide—

(a) for the appointment by the council of at least a majority of the committee, and the persons so appointed shall be persons who are members of the council, unless, in the case of a county, the council shall otherwise determine;

(b) for the appointment by the council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the council acts;

(c) for the inclusion of women as well as men among the members of the committee;

(d) for the appointment, if desirable, of members of school boards existing at the time of the passing of this Act ‡ as members of the first committee.

(4) Any person shall be disqualified for being a member of an education committee, who, by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the education committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college aided, provided, or maintained by the council.

(5) Any such scheme may, for all or any purposes of this Act, provide for the constitution of a separate education committee for any area within a county, or for a joint education committee for any area formed

* See 3 Edw. 7, c. 24, 1st Sch. par. 1 (b).

† See 3 Edw. 7, c. 24, 1st Sch. par. 7.

‡ See 3 Edw. 7, c. 24, 1st Sch. par. 10.

by a combination of counties, boroughs, or urban districts, or of parts thereof. In the case of any such joint committee, it shall suffice that a majority of the members are appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed.

(6) Before approving a scheme, the Board of Education shall take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme, and, before approving any scheme which provides for the appointment of more than one education committee, shall satisfy themselves that due regard is paid to the importance of the general co-ordination of all forms of education.

[Parts omitted (power to Board of Education to make provision in case a scheme is not made within 12 months after the passing of this Act, and provisions as regards Wales and Monmouth) spent.]

Expenses.

39 & 40 Vict.
c. 79.

18.—(1) The expenses of a council under this Act shall, so far as not otherwise provided for, be paid, in the case of the council of a county out of the county fund, and in the case of the council of a borough out of the borough fund or rate, or, if no borough rate is levied, out of a separate rate to be made, assessed, and levied in like manner as the borough rate, and in the case of the council of an urban district other than a borough in manner provided by section thirty-three of the Elementary Education Act, 1876, as respects the expenses mentioned in that section. *[See 3 Edw. 7, c. 24, 1st Sch. par. 1 (b).]*

[Parts omitted, provisions not applicable to London. See 3 Edw. 7, c. 24, 1st Sch. par. 4.]

(2) All receipts in respect of any school maintained by a local education authority, including any parliamentary grant, but excluding sums specially applicable for purposes for which provision is to be made by the managers, shall be paid to that authority.

45 & 46 Vict.
c. 50.

(3) Separate accounts shall be kept by the council of a borough of their receipts and expenditure under this Act, and those accounts shall be made up and audited in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit.

(4) *[Provision for cases where under a local Act expenses are payable otherwise than out of the borough fund or rate. Not applicable to London.]*

(5) Where any receipts or payments of money under this Act are entrusted by the local education authority to any education committee established under this Act, or to the managers of any public elementary school, the accounts of those receipts and payments shall be accounts of the local education authority, but the auditor of those accounts shall have the same powers with respect to managers as he would have if the managers were officers of the local education authority.

Borrowing.

51 & 52 Vict.
c. 41.

19.—(1) A council * may borrow for the purposes of the Elementary Education Acts, 1870 to 1900, or this Act, in the case of a county council as for the purposes of the Local Government Act, 1888. . . . *[Parts omitted (as to borrowing by council of a county borough or urban district) not applicable to London.]*

Arrange-
ments
between
councils.

20. An authority having powers under this Act—

(a) may make arrangements with the council of any county, borough, district, or parish, whether a local education authority or not, for the exercise by the council, on such terms and subject to such conditions as may be agreed on, of any powers of the authority

* See 3 Edw. 7, c. 24, 1st Sch. par. 5.

in respect of the management of any school or college within the area of the council. . . .

[See 3 *Edw. 7*, c. 24, ss. 2 and 3, and 1st *Sch. par. 1 (a)*. Part omitted (provision as regards the council of a non-county borough or urban district) not applicable to London.]

21.—(1) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relate to Provisional Orders), shall apply to any Provisional Order made under this Act as if it were made under that Act, but references to a local authority shall be construed as references to the authority to whom the Order relates, and references to the Local Government Board shall be construed as references to the Board of Education.

Provisional Orders and Schemes.
38 & 39 Vict. c. 55.

(2) Any Scheme or Provisional Order under this Act may contain such incidental or consequential provisions as may appear necessary or expedient.

(3) A Scheme under this Act when approved shall have effect as if enacted in this Act, and any such Scheme, or any Provisional Order made for the purposes of such a Scheme, may be revoked or altered by a Scheme made in like manner and having the same effect as an original Scheme.

22.—(1) In this Act and in the Elementary Education Acts the expression “elementary school” shall not include any school carried on as an evening school under the regulations of the Board of Education.

Provision as to elementary and higher education powers respectively.

(2) The power to provide instruction under the Elementary Education Acts, 1870 to 1900, shall, except where those Acts expressly provide to the contrary, be limited to the provision in a public elementary school of instruction given under the regulations of the Board of Education to scholars who, at the close of the school year, will not be more than sixteen years of age: Provided that the local education authority may, with the consent of the Board of Education, extend those limits in the case of any such school if no suitable higher education is available within a reasonable distance of the school.

(3) The power to supply or aid the supply of education other than elementary includes a power to train teachers, and to supply or aid the supply of any education except where that education is given at a public elementary school.

23.—(1) The powers of a council under this Act shall include the provision of vehicles or the payment of reasonable travelling expenses for teachers or children attending school or college whenever the council shall consider such provision or payment required by the circumstances of their area or of any part thereof.

Miscellaneous provisions.

(2) The power of a council to supply or aid the supply of education, other than elementary, shall include power to make provision for the purpose outside their area in cases where they consider it expedient to do so in the interests of their area, and shall include power to provide or assist in providing scholarships for, and to pay or assist in paying the fees of, students ordinarily resident in the area of the council at schools or colleges or hostels within or without that area.

(4) The amount which would be produced by any rate in the pound shall be estimated for the purposes of this Act in accordance with regulations made by the Local Government Board.

(5) The Mortmain and Charitable Uses Act, 1888, and so much of the Mortmain and Charitable Uses Act, 1891, as requires that land assured by will shall be sold within one year from the death of the testator, shall not apply to any assurance, within the meaning of the said Act of 1888, of land for the purpose of a school house for an elementary school.

51 & 52 Vict. c. 42.
54 & 55 Vict. c. 73.

(6) A woman is not disqualified, either by sex or marriage, for being on any body of managers or education committee under this Act.

(7) Teachers in a school maintained but not provided by the local

education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school provided by the authority.

(8) Population for the purposes of this Act shall be calculated according to the census of nineteen hundred and one.

51 & 52 Vict.
c. 41.

(9) Subsections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply with respect to any order, consent, sanction, or approval which the Local Government Board are authorised to make or give under this Act.

33 & 34 Vict.
c. 75.

(10) The Board of Education may, if they think fit, hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under this Act, and section seventy-three of the Elementary Education Act, 1870, shall apply to any public inquiry so held or held under any other provision of this Act.

[Part omitted (as to borough or urban district whose council is a local education authority) not applicable to London.]

Interpreta-
tion.

24.—(1) Unless the context otherwise requires, any expression to which a special meaning is attached in the Elementary Education Acts, 1870 to 1900, shall have the same meaning in this Act.

(2) In this Act the expression “minor local authority” means, as respects any school, the council of any borough or urban district, or the parish council or (where there is no parish council) the parish meeting of any parish which appears to the county council to be served by the school. Where the school appears to the county council to serve the area of more than one minor local authority the county council shall make such provision as they think proper for joint appointment of managers by the authorities concerned. [See 3 Edw. 7, c. 24, 1st Sch. par. 1 (a).]

51 & 52 Vict.
c. 41.

(3) In this Act the expressions “powers,” “duties,” “property,” and “liabilities” shall, unless the context otherwise requires, have the same meanings as in the Local Government Act, 1888.

(4) In this Act the expression “college” includes any educational institution, whether residential or not.

(5) In this Act, unless the context otherwise requires, the expression “trust deed” includes any instrument regulating the trusts or management of a school or college.

Provisions
as to pro-
ceedings,
transfer, etc.,
application
of enact-
ments and
repeal.

25.—(1) The provisions set out in the First and Second Schedules to this Act relating to education committees and managers, and to the transfer of property and officers, and adjustment, shall have effect for the purpose of carrying the provisions of this Act into effect.

(2) In the application of the Elementary Education Acts, 1870 to 1900, and other provisions referred to in that schedule, the modifications specified in the Third Schedule to this Act shall have effect.

(3) The enactments mentioned in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that schedule. [See 3 Edw. 7, c. 24, s. 5 (2).]

26. [As to the application of the Act to the Scilly Islands.]

27.

1 Edw. 7.
c. 11.
2 Edw. 7.
c. 19.

(3) The period during which local authorities may, under the Education Act, 1901, as renewed by the Education Act, 1901 (Renewal) Act, 1902, empower school boards to carry on the work of the schools and classes to which those Acts relate shall be extended to the appointed day, and in the case of London to the twenty-sixth day of March nineteen hundred and four. [See 3 Edw. 7, c. 24, 1st Sch. par. 6.]

(4) This Act may be cited as the Education Act, 1902, and the Elementary Education Acts, 1870 to 1900, and this Act may be cited as the Education Acts, 1870 to 1902.

[Parts omitted (as to the extent and commencement of the Act) not applicable to London. See 3 Edw. 7, c. 24, 1st Sch. par. 6.]

SCHEDULES.

FIRST SCHEDULE.

Section 25.

PROVISION AS TO EDUCATION COMMITTEES AND MANAGERS.

A.—*Education Committees.*

(1) The council by whom an education committee is established may make regulations as to the quorum, proceedings, and place of meeting of that committee, but, subject to any such regulations, the quorum, proceedings, and place of meeting of the committee shall be such as the committee determine.

(2) The chairman of the education committee at any meeting of the committee shall, in case of an equal division of votes, have a second or casting vote.

(3) The proceedings of an education committee shall not be invalidated by any vacancy among its members or by any defect in the election, appointment, or qualification of any members thereof.

(4) Minutes of the proceedings of an education committee shall be kept in a book provided for that purpose, and a minute of those proceedings, signed at the same or next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without further proof. [*Sec 3 Edw. 7, 1st Sch. par. 7.*]

(5) Until the contrary is proved, an education committee shall be deemed to have been duly constituted and to have power to deal with any matters referred to in its minutes.

(6) An education committee may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

B.—*Managers.*

(1) A body of managers may choose their chairman, except in cases where there is an ex-officio chairman, and regulate their quorum and proceedings in such manner as they think fit, subject, in the case of the managers of a school provided by the local education authority, to any directions of that authority.

Provided that the quorum shall not be less than three, or one-third of the whole number of managers, whichever is the greater.

(2) Every question at a meeting of a body of managers shall be determined by a majority of the votes of the managers present and voting on the question, and in case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

(3) The proceedings of a body of managers shall not be invalidated by any vacancy in their number, or by any defect in the election, appointment, or qualification of any manager.

(4) The body of managers of a school provided by the local education authority shall deal with such matters relating to the management of the school, and subject to such conditions and restrictions, as the local education authority determine.

(5) A manager of a school not provided by the local education authority, appointed by that authority or by the minor local authority, shall be removable by the authority by whom he is appointed, and any such manager may resign his office.

(6) The body of managers shall hold a meeting at least once in every three months.

(7) Any two managers may convene a meeting of the body of managers.

(8) The minutes of the proceedings of every body of managers shall be kept in a book provided for that purpose.

(9) A minute of the proceedings of a body of managers, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(10) The minutes of a body of managers shall be open to inspection by the local education authority.

(11) Until the contrary is proved, a body of managers shall be deemed to be duly constituted and to have power to deal with the matters referred to in their minutes.

Section 25.

SECOND SCHEDULE.

PROVISIONS AS TO TRANSFER OF PROPERTY AND OFFICERS, AND
ADJUSTMENT.

(1) The property, powers, rights, and liabilities (including any property, powers, rights, and liabilities vested, conferred, or arising under any local Act or any trust deed) of any school board or school attendance committee existing at the appointed day shall be transferred to the council exercising the powers of the school board. [See 3 Edw. 7, c. 24, s. 2 (2).]

(2) Where, under the provisions of this Act, any council relinquishes its powers and duties in favour of a county council, any property or rights acquired and any liabilities incurred, for the purpose of the performance of the powers and duties relinquished, including any property or rights vested or arising, or any liabilities incurred, under any local Act or trust deed, shall be transferred to the county council.

(3) Any loans transferred to a council under this Act shall, for the purpose of the limitation on the powers of the council to borrow, be treated as money borrowed under this Act.

52 & 53 Vict.
c. 76.
54 & 55 Vict.
c. 4.

(4) Any liability of an urban district council incurred under the Technical Instruction Acts, 1889 and 1891, and charged on any fund or rate, shall, by virtue of this Act, become charged on the fund or rate out of which the expenses of the council under this Act are payable, instead of on the first-mentioned fund or rate.

53 & 54 Vict.
c. 60.

(5) Section two of this Act shall apply to any balance of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, remaining unexpended and unappropriated by any council at the appointed day.

(6) Where the liabilities of a school board transferred to the local education authority under this Act comprise a liability on account of money advanced by that authority to the school board, the *Local Government Board** may make such orders as they think fit for providing for the repayment of any debts incurred by the authority for the purposes of those advances within a period fixed by the order, and, in case the money advanced to the school board has been money standing to the credit of any sinking fund or redemption fund or capital money applied under the Local Government Acts, 1888 and 1894, or either of them, for the repayment to the proper fund or account of the amount so advanced.

51 & 52 Vict.
c. 41.
56 & 57 Vict.
c. 73.

Any order of the *Local Government Board** made under this provision shall have effect as if enacted in this Act.

(7) [Provisions for cases where a district council ceases by reason of this Act to be a school authority within the meaning of the Elementary Education (Blind and Draf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Act, 1899, not applicable to London.]

56 & 57 Vict.
c. 73.

(8) Sections eighty-five to eighty-eight of the Local Government Act, 1894 (which contain transitory provisions), shall apply with respect to any transfer mentioned in this schedule, subject as follows:—

(a) References to “the appointed day” and to “the passing of this Act” shall be construed, as respects a case of relinquishment of powers and duties, as references to the date on which the relinquishment takes effect; and

(b) the powers and duties of a school board or school attendance committee which is abolished, or a council which ceases under the provisions of this Act to exercise powers and duties, shall be deemed to be powers and duties transferred under this Act: and

(c) subsections four and five of section eighty-five shall not apply.

(9) [As to date from which disqualification of a county, borough, or urban district councillor in consequence of this Act is to take effect. Spent.]

(10)—(12) [Transitory provisions.]

(13) Any school which has been provided by a school board or is deemed to have been so provided shall be treated for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, as a school which has been provided by the local education authority, or which is deemed to have been so provided, as the case may be.

(14) The local education authority shall be entitled to use for the purposes of the school any school furniture and apparatus belonging to the trustees or managers of any public elementary school not provided by a school board, and in use for the purposes of the school before the appointed day.

(15) [Transitory provisions. Spent.]

* As regards London, the Treasury. See 3 Edw. 7, c. 24, 1st Sch. par. 8.

(16) The officers of any authority whose property, rights, and liabilities are transferred under this Act to any council shall be transferred to and become the officers of that council, but that council may abolish the office of any such officer whose office they deem unnecessary.

(17) Every officer so transferred shall hold his office by the same tenure and on the same terms and conditions as before the transfer, and while performing the same duties shall receive not less salary or remuneration than theretofore, but if any such officer is required to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform at the date of the transfer, he may relinquish his office, and any officer who so relinquishes his office, or whose office is abolished, shall be entitled to compensation under this Act.

(18) A council may, if they think fit, take into account continuous service under any school boards or school attendance committees in order to calculate the total period of service of any officer entitled to compensation under this Act.

(19) If an officer of any authority to which the Poor Law Officers' Superannuation Act, 1896, applies is under this Act transferred to any council, and has made the annual contributions required to be made under that Act, the provisions of that Act shall apply, subject to such modifications as the Local Government Board may by order direct for the purpose of making that Act applicable to the case. 59 & 60 Viet. c. 59.

(20) Any local education authority who have established any pension scheme, or scheme for the superannuation of their officers, may admit to the benefits of that scheme any officers transferred under this Act on such terms and conditions as they think fit.

(21) Section one hundred and twenty of the Local Government Act, 1888, which relates to compensation to existing officers, shall apply as respects officers transferred under this Act, and also (with the necessary modifications) to any other officers who, by virtue of this Act or anything done in pursuance or in consequence of this Act, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, in like manner as it applies to officers transferred under this Act, subject as follows:—

- (a) any reference in that section to the county council shall include a reference to a borough or urban district council; and
- (b) references in that section to "the passing of this Act" shall be construed, as respects a case of relinquishment of powers and duties, as references to the date on which the relinquishment takes effect; and
- (c) any reference to powers transferred shall be construed as a reference to property transferred; and
- (d) any expenses shall be paid out of the fund or rate out of which the expenses of a council under this Act are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of this Act.

[See 3 Edw. 7, c. 24, *Sch. I.* (1) and (10).]

(22) Section sixty-eight of the Local Government Act, 1894 (which relates to the adjustment of property and liabilities), shall apply with respect to any adjustment required for the purposes of this Act. 56 & 57 Viet. c. 73.

THIRD SCHEDULE.

Section 25.

MODIFICATION OF ACTS, ETC.

(1) References to school boards and school districts shall be construed as references to local education authorities and the areas for which they act, except as respects transactions before the appointed day, and except that in paragraph (2) of section nineteen of the Elementary Education Act, 1876, and in subsection (1) of section two of the Education Code (1890) Act, references to a school district shall, as respects the area of a local education authority being the council of a county, be construed as references to a parish. 39 & 40 Viet. c. 79.
53 & 54 Viet. c. 22.

(2) References to the school fund or local rate shall be construed as references to the fund or rate out of which the expenses of the local education authority are payable.

(3) In section thirty-eight of the Elementary Education Act, 1876, references to members of a school board shall be construed as references to members of the education committee, or of any sub-committee appointed by that committee for school attendance purposes.

(4) The power of making bylaws shall (where the local education authority is a county council) include a power of making different bylaws for different parts of the area of the authority.

54 & 55 Vict.
c. 56. (5) The following provision shall have effect in lieu of section five of the Elementary Education Act, 1891 :

“The duty of a local education authority under the Education Acts, 1870 to 1902, to provide a sufficient amount of public school accommodation shall include the duty to provide a sufficient amount of public school accommodation without payment of fees in every part of their area.”

33 & 34 Vict.
c. 75. (6) The words “in the opinion of the Board of Education” shall be substituted for the words “in their opinion” in the first paragraph of section eighteen of the Elementary Education Act, 1870.

(7) Section ninety-nine of the Elementary Education Act, 1870, shall apply to the fulfilment of any conditions, the performance of any duties, and the exercise of any powers under this Act as it applies to the fulfilment of conditions required in pursuance of that Act to be fulfilled in order to obtain a parliamentary grant.

36 & 37 Vict.
c. 86. (8) A reference to the provisions of this Act as to borrowing shall be substituted in section fifteen of the Elementary Education Act, 1876, for the reference to section ten of the Elementary Education Act, 1873, and a reference to the Local Government Board shall be substituted for the second reference in that section to the Education Department, and also for the reference to the Education Department in section five of the Elementary Education (Blind and Deaf Children) Act, 1893.

43 & 44 Vict.
c. 23. (9) A reference to the provisions of this Act relating to the enforcement of the performance of the local education authority's duties by mandamus shall be substituted in section two of the Elementary Education Act, 1880, for the reference to section twenty-seven of the Elementary Education Act, 1876.

39 & 40 Vict.
c. 79. (10) The substitutions for school boards, school districts, school fund, and local rate made by this schedule shall, unless the context otherwise requires, be made in any enactment referring to or applying the Elementary Education Acts, 1870 to 1900, or any of them, so far as the reference or application extends.

52 & 53 Vict.
c. 76.
51 & 55 Vict.
c. 4. (11) References in any enactment or in any provision of a scheme made under the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, or the Elementary Education Acts, 1870 to 1900, to any provisions of the Technical Instruction Acts, 1889 and 1891, or either of those Acts shall, unless the context otherwise requires, be construed as references to the provisions of Part II. of this Act, and the provisions of this Act shall apply with respect to any school, college, or hostel established, and to any obligation incurred, under the Technical Instruction Acts, 1889 and 1891, as if the school, college, or hostel had been established or the obligation incurred under Part II. of this Act. [*See 3 Edw. 7, c. 24, 1st Sch. par. 9.*]

45 & 46 Vict.
c. 50. (12) The Local Government Board may, after consultation with the Board of Education, by order make such adaptations in the provisions of any local Act (including any Act to confirm a Provisional Order and any Scheme under the Municipal Corporations Act, 1882, as amended by any subsequent Act) as may seem to them to be necessary to make those provisions conform with the provisions of this Act, and may also in like manner, on the application of any council who have power as to education under this Act and have also powers as to education under any local Act, make such modifications in the local Act as will enable the powers under that Act to be exercised as if they were powers under this Act.

Any order made under this provision shall operate as if enacted in this Act.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 76.	The Technical Instruction Act, 1889.	The whole Act.
53 & 54 Vict. c. 60.	The Local Taxation (Customs and Excise) Act, 1890.	In section one, subsections two and three.
54 & 55 Vict. c. 4.	The Technical Instruction Act, 1891.	The whole Act.

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section four; section five except so far as it defines public school accommodation; section six; sections eight to thirteen; sections fifteen and sixteen; section eighteen from "If at any time" to the end of the section; in section nineteen the words "whether in obedience to any requisition or not"; sections twenty-nine to thirty-four; in section thirty-five the words "a clerk and a treasurer and other" and the words from "but no such appointment" to "member of the board"; sections forty to forty-eight; sections forty-nine to fifty-one; in section fifty-two the words "under the provisions of this Act with respect to the appointment of a body of managers"; sections fifty-three to fifty-six; sections sixty to sixty-six; in section sixty-nine the words "in the metropolis" and the words from "appointed under this Act" to "returns under this Act"; in section seventy-three the words "of the school district," the words from "(if any) or if" to "inquiry relates," and the words "or if there is no school board as a debt due from the rating authority"; sections seventy-seven and seventy-nine; sections eighty-seven, eighty-eight, and ninety; section ninety-three; the first proviso of section ninety-seven; the First Schedule; the Second Schedule, except the Third Part; the Third Schedule.
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Sections five to twelve; sections seventeen and eighteen; sections twenty-one and twenty-six; the First Schedule; the Second Schedule; the Third Schedule.
37 & 38 Vict. c. 90.	The Elementary Education (Orders) Act, 1874.	The whole Act.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section seven, from "and (2) in every" to "appointing the committee," and the words "and school attendance committee"; in section fifteen the words "not exceeding fifty"; section twenty-one; section twenty-three to "or pay any fees"; section twenty-seven, in section twenty-eight, the words "but subject in the case of a school attendance committee to the approval herein-after mentioned" and the words "or the officers of the council or guardians by whom the committee are appointed"; sections thirty, thirty-one, thirty-two, thirty-three (except as applied by this Act), and thirty-four; section thirty-six; in section thirty-seven the words "or local authority"; in section thirty-eight the words "or local authority" and "or school attendance committee"; sections forty-one, forty-two, forty-three, and forty-four; section forty-nine; the Second Schedule; the Third Schedule.
43 & 44 Vict. c. 23.	The Elementary Education Act, 1880.	Section three.
53 & 54 Vict. c. 22.	The Education Code (1890) Act, 1890.	Section one.
54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	Sections five, six, and seven.

PART II.—continued.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	Section four from “(b) for an area” to the end of the section. Subsections (3) and (4) of section five. Section six.
59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	In section seven the words “a school board for a school district which is a parish or.” and sub-section (3).
60 & 61 Vict. c. 5.	The Voluntary Schools Act, 1897.	Section one.
60 & 61 Vict. c. 16.	The Elementary Education Act, 1897.	The whole Act.
62 & 63 Vict. c. 32.	The Elementary Education (Defective and Epileptic Children) Act, 1899.	In section six the proviso.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section three.

3 EDWARD VII. A.D. 1903.

CHAPTER 9.

AN ACT TO EMPOWER COUNTY COUNCILS TO PROMOTE BILLS IN PARLIAMENT.
[21st July 1903.]

Power to
county
council to
promote
Bills in
Parliament.
51 & 52 Vict.
c. 41.

1.—(1) The powers conferred by section fifteen of the Local Government Act, 1888, on the council of a county to oppose Bills in Parliament shall be extended so as to authorise them to promote Bills as well as to oppose them.

(2) The county council may determine that any expenses incurred in pursuance of section fifteen of the Local Government Act, 1888, as amended by this Act, are to be regarded as incurred for special county purposes, but any such determination shall be forthwith notified to the overseers of any parish liable to be assessed in pursuance of such determination, and shall be subject to appeal, within twenty-one days, at the instance of the overseers of any parish so liable, to the Local Government Board, whose decision shall be final.

(3) For the purpose of deciding any such appeal, subsections (1) and (5) of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply.

(4) The powers conferred by this section shall be in addition to, and not in derogation of, any powers possessed by the London County Council. [See 18 & 19 Vict. c. 120, s. 144; 19 & 20 Vict. c. 112, s. 10; and 55 & 56 Vict. c. cxxx, s. 2.]

(5) Proviso (b) to section fifteen of the Local Government Act, 1888, which relates to the promotion of Bills in Parliament by a county council, is hereby repealed.

2. [Amendment of the Local Government (Scotland) Act, 1889.]

Short title
and com-
mencement.

3.—(1) This Act may be cited as the County Councils (Bills in Parliament) Act, 1903.

(2) It shall come into operation on the first day of October nineteen hundred and three.

CHAPTER 14.

AN ACT TO AMEND THE BOROUGH FUNDS ACT, 1872.

[11th August 1903.]

1. No expense in relation to the promotion of a Bill in Parliament shall be charged by the council of a borough or urban district under the Borough Funds Act, 1872, unless the requirements contained in the First Schedule to this Act have been observed.

Expense of promoting Bills.
35 & 36 Vict. c. 91.

2.—(1) If the result of a poll under this Act, or the decision of a meeting of electors when final, is against the promotion of the Bill, or of a part or parts, or clause or clauses, of the Bill, the council shall forthwith take all necessary steps to withdraw the Bill, or the part or parts, or clause or clauses (as the case may be), against which the poll has resulted or the decision of the meeting has been given.

Withdrawal of Bill, or part, in case of adverse poll.

(2) In the case of equality of votes on any question of promotion, that question shall be deemed to be decided against the promotion.

3. Where a Bill, or a part or parts, or clause or clauses, of a Bill, is or are withdrawn, no further expense shall be incurred by the council, or mayor or chairman, in or about the promotion of the Bill, or part or parts, or clause or clauses, so withdrawn, but, subject as aforesaid, all costs, charges, and expenses incurred by the council, or mayor or chairman, in or as incidental to the preparation and promotion of the Bill up to and inclusive of its deposit in Parliament and withdrawal (if withdrawn), and in or as incidental to the holding of a meeting or the taking of a poll under this Act, shall, when taxed by a taxing officer of one of the Houses of Parliament, and allowed under the Borough Funds Act, 1872, be charged on and payable out of such one or more of the public funds or rates under the control of the council (and, if more than one, then in such proportions) as the council, having regard to the nature and objects of the Bill, may determine to be just and proper.

Expenses when Bill is withdrawn.
35 & 36 Vict. c. 91.

4. Nothing in this Act shall extend or be construed to alter or affect any special provision in any local Act for the payment of the costs, charges, and expenses in relation to the promotion by any council of a Bill in Parliament, or to take away or diminish any rights or powers now possessed or enjoyed by any council, or which are or shall be vested in or exercisable by the inhabitants of the district of any council under any general or special Act, but the council may, if they think fit, adopt with respect to the promotion of any Bill the procedure provided by this Act in lieu of that provided by their local Act.

Saving for special Acts.

5.—(1) Any person who at, or for the purposes of, a poll under this Act—

Offences in relation to polls.

- (i) fraudulently signs or forges any signature to a requisition of electors under this Act; or
 - (ii) applies for a voting paper in the name of some other person, whether that name be the name of a person living or dead, or of a fictitious person; or
 - (iii) having voted once, applies for a second voting paper in his own name; or
 - (iv) forges or counterfeits, or fraudulently defaces or fraudulently destroys any voting paper; or
 - (v) without due authority supplies a voting paper to any person; or
 - (vi) fraudulently puts into any box or other receptacle any paper other than a voting paper supplied to him for the purpose; or
 - (vii) fraudulently takes out of the polling station any voting paper; or
 - (viii) without due authority destroys, takes, opens, or otherwise interferes with any box or other receptacle for voting papers or any voting papers then in use; or
 - (ix) causes any disturbance or disorder in or near any polling station;
- shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) An attempt to commit any offence specified in this section shall be punishable in the manner in which the offence is punishable.

Non-compliance with procedure.

6. The failure to comply with the requirements of this Act as to notices or the time within which anything is to be done, or the procedure at a meeting of electors or the mode of taking a poll, shall not render invalid the charge under the Borough Funds Act, 1872, or this Act of any expenses in relation to the promotion of a Bill, if the provisions of this Act have been substantially complied with and the failure has not affected the result of the proceedings under this Act.

Expenses of opposing Bills.

7.—(1) The provision contained in section four of the Borough Funds Act, 1872, that no expense in opposing a Bill in Parliament shall be charged unless the opposition has had the consent of the owners and ratepayers of the district, shall cease to apply.

54 Vict. c. 12.

(2) In section one of the Railway and Canal Traffic (Provisional Orders) Amendment Act, 1891, references to the Borough Funds Act shall be construed and have effect as references to the Borough Funds Act, 1872, as amended by this Act.

Transfer to Local Government Board of certain powers of Secretary of State.

8. The powers conferred upon the Secretary of State by the Borough Funds Act, 1872, or by virtue of any extension or application of that Act, shall be transferred to and exercised by the Local Government Board.

Definitions.

9. For the purposes of this Act, the expression "council" includes the council of every borough and of every urban district, the expression "borough" includes a metropolitan borough, and the expression "electors" means the parochial electors for the time being enrolled in the register of parochial electors in force for the parishes in a borough or urban district, and the expression "the mayor or chairman" means the mayor of the borough or the chairman of the urban district council.

Repeals.

10. The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Extent of Act.

11. This Act shall not extend to Scotland or Ireland.

Short title and commencement.

12.—(1) This Act may be cited as the Borough Funds Act, 1903, and the Borough Funds Act, 1872, and this Act may be cited together as the Borough Funds Acts, 1872 and 1903.

(2) This Act shall come into operation on the first day of October nineteen hundred and three.

SCHEDULES.

FIRST SCHEDULE.

REGULATIONS FOR MEETING AND POLLING OF ELECTORS.

35 & 36 Vict. c. 91.

(1) Where the council of a borough or urban district have resolved, in accordance with the provisions of the Borough Funds Act, 1872, to promote a Bill in Parliament, and the Bill has been deposited, notice shall be given by placards and by advertisement in some local newspaper circulating in the borough or district in two successive weeks stating—

- (a) the title of the Bill; and
- (b) a brief statement of the objects of the Bill;
- (c) that the Bill has been deposited, and the date on which it was first deposited in either House; and
- (d) that copies of the Bill may be inspected and purchased at a place within the borough or district specified in the notice, between the hours of ten in the forenoon and five in the afternoon, on every week day for fourteen days after the date of the first advertisement, and that extracts may be taken free of charge; and
- (e) That a public meeting of electors will be held on a day named, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, for the purpose of considering the question of the promotion of the Bill, and indicating the resolutions which will be submitted to the meeting.

(2) The first advertisement under these regulations must be made within seven days from the first deposit of the Bill in either House, and the placards giving notice under these regulations must be posted within the same time.

(3) A public meeting of electors shall be held in accordance with the notice, and the mayor or chairman, or, in the event of his being unable or unwilling to preside, any person appointed by the council to perform that duty, shall be president of the meeting; but, if neither the mayor or chairman, nor the person so appointed, is present within ten minutes after the time appointed for the meeting, the meeting shall choose an elector present at the meeting to be president of the meeting.

(4) The president of the meeting may, with the consent of the majority of the electors present, adjourn the meeting for not more than seven days.

(5) On opening any such meeting the president of the meeting, or a member or officer of the council, shall give such explanation of the Bill with reference to which the meeting is held as he thinks expedient.

(6)—(a) The question of the promotion of the Bill shall be put by the president to the meeting either by a single resolution in favour of the promotion of the whole Bill, or by separate resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill, but together covering the promotion of the whole Bill, and the meeting shall decide for or against any such resolution.

(b) The president shall explain to the meeting the resolution or resolutions he proposes to put to the meeting, and the question of the promotion of the Bill shall be put in the manner proposed;

Provided that, if, before any such resolution is put, the meeting decide to request the president to put separately any resolution or resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill not proposed by him to be put separately, he shall put such further or other resolution or resolutions to the meeting as will, consistently with the provisions of this Schedule, give effect to that request.

(7) Unless a poll is required in manner provided by this Schedule, with respect to any resolution for promotion put to the meeting, the decision of the meeting on that resolution, as declared by the president of the meeting, shall be final.

(8) A poll may be required with respect to any such resolution by not less than one hundred electors, or one-twentieth in number of the electors, whichever may be the less, and, if the decision of the meeting on the resolution is against the resolution, by the council.

(9) A requisition for a poll by electors must be in writing signed by the persons making it, and must be delivered to the mayor or chairman within seven days after the date of the meeting, or any adjournment thereof.

(10) A requisition for a poll by the council must be authorised by a resolution of the council, and a copy of the resolution must be delivered to the mayor or chairman within seven days after the meeting or any adjournment thereof. Provided that, if the regulations governing the meetings of the council do not permit of an ordinary meeting of the council being held within the said seven days, the time for the delivery of a copy of the resolution shall be within three days after the date on which an ordinary meeting of the council can first be held subsequently to the date of the meeting of the electors or any adjournment thereof.

(11) The mayor or chairman shall proceed to take the opinion by poll of the electors on the resolution to which any requisition relates, unless a poll is rendered unnecessary by the withdrawal of the requisition for a poll or by a resolution of the council withdrawing the Bill, or the part or parts or clause or clauses to which the resolution with reference to which the poll is required relates.

(12) The polls on any number of resolutions may be taken at the same time and by means of the same voting paper.

(13) The mayor or chairman shall count, or cause to be counted, the votes given at a poll under this Schedule, and shall as soon as practicable declare the result.

(14) The decision of the mayor or chairman on any question arising in respect of any voting paper shall be final.

(15) Where the mayor or chairman is unable or unwilling to perform any duty or do any act or thing with respect to a poll under this Schedule, the council shall appoint some other person to perform the duty or do such act or thing.

(16) Subject to the provisions of this Schedule the poll shall be taken in

accordance with such regulations as may be prescribed by the Local Government Board, and the Local Government Board may prescribe forms for requisitions, voting papers, notices, and other documents under this Schedule, and those forms, or forms to the like effect, shall be used.

SECOND SCHEDULE.

ENACTMENTS REPEALED AS TO ENGLAND.

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 91.	The Borough Funds Act, 1872.	In section four, the words from "Provided further" to the end of the section. In section five, the words "or one of Her Majesty's principal Secretaries of State, as the case may be;" and the words "or Secretary of State." In section six, the words "by one of Her Majesty's principal Secretaries of State, or" and the words "as the case may be." In section seven, the words "or one of Her Majesty's principal Secretaries of State." In section eleven, the words "or the metropolitan area as defined by the Metropolis Management Act, 1855."

CHAPTER 15.

AN ACT TO AMEND SECTION TEN OF THE LOCAL GOVERNMENT ACT, 1888.

[11th August 1903.]

Construction
of 51 & 52
Vict. c. 41.
s. 10.

1.—(1) Section ten of the Local Government Act, 1888, in so far as it authorises the transfer to county councils of certain powers, duties, and liabilities of Government Departments, shall be construed as authorising the transfer by Provisional Order of all or any of those powers, duties, or liabilities to the council of a particular county or county borough, as well as to such councils generally.

(2) A Provisional Order shall not be made under this section except on the application of the council of a county or county borough.

(3) Where the Local Government Board propose to make a Provisional Order under this section transferring any power, duty, or liability to the council of a county or county borough, the Board shall give notice to all local authorities who, in the opinion of the Board, are likely to be affected by the transfer, and if, within such time as the Board prescribe, a majority of those authorities notify to the Board that they object to any such proposed transfer, the Order shall not be proceeded with so far as relates to that transfer, but without prejudice to the power of the Board to propose a new Order.

(4) For the purposes of this Act, the expression "local authorities" means the following local authorities, namely, the council of a borough or other urban district, a rural district council, a board of guardians, a metropolitan borough council, and the Common Council of the City of London.

Short title.

2. This Act may be cited as the Local Government (Transfer of Powers) Act, 1903.

CHAPTER 39.

AN ACT TO AMEND THE LAW RELATING TO THE HOUSING OF THE WORKING CLASSES.

[14th August 1903.]

General Amendments of Law.

1.—(1) The maximum period which may be sanctioned as the period for which money may be borrowed by a local authority for the purposes of the Housing of the Working Classes Act, 1890 (in this Act referred to as “the principal Act”), or any Acts amending it, shall be eighty years, and as respects money so borrowed eighty years shall be substituted for sixty years in section two hundred and thirty-four of the Public Health Act, 1875.

Maximum term for repayment of loans.
53 & 54 Vict. c. 70.
38 & 39 Vict. c. 55.

(2) Money borrowed under the principal Act or any Acts (including this Act) amending it (in this Act collectively referred to as the Housing Acts) shall not be reckoned as part of the debt of the local authority for the purposes of the limitation on borrowing under subsections two and three of section two hundred and thirty-four of the Public Health Act, 1875.

2.—(1) His Majesty may by Order in Council assign to the Local Government Board any powers and duties of the Secretary of State under the Housing Acts, or under any scheme made in pursuance of those Acts, and the powers of the Secretary of State under any local Act, so far as they relate to the housing of the working classes, and any such powers and duties so assigned shall become powers and duties of the Local Government Board.

Transfer of powers and duties of Home Office to Local Government Board.

[See 53 & 54 Vict. c. 70, s. 8 and note thereon.]
(2) Section eleven of the Board of Agriculture Act, 1889, shall apply with respect to the powers and duties transferred under this section as it applies with respect to the powers and duties transferred under that Act, with the substitution of the Local Government Board for the Board of Agriculture and of the date of the transfer under this section for the date of the establishment of the Board of Agriculture.

52 & 53 Vict. c. 39.

3. Where under the powers given after the date of the passing of the Act by any local Act or Provisional Order, or Order having the effect of an Act, any land is acquired, whether compulsorily or by agreement, by any authority, company, or person, or where after the date of the passing of this Act any land is so acquired compulsorily under any general Act (other than the Housing Acts), the provisions set out in the Schedule to this Act shall apply with respect to the provision of dwelling accommodation for persons of the working class.

Re-housing obligations when land is taken under statutory powers.

Amendments as to Schemes.

4.—(1) If, on the report made to the confirming authority on an inquiry directed by them under section ten of the principal Act, that authority are satisfied that a scheme ought to have been made for the improvement of the area to which the inquiry relates, or of some part thereof, they may, if they think fit, order the local authority to make such a scheme, either under Part I. of the principal Act, or, if the confirming authority so direct, under Part II. of that Act, and to do all things necessary under the Housing Acts for carrying into execution the scheme so made, and the local authority shall accordingly make a scheme or direct a scheme to be prepared as if they had passed the resolution required under section four or section thirty-nine of the principal Act, as the case may be, and do all things necessary under the Housing Acts for carrying the scheme into effect.

Provisions on failure of local authority to make a scheme.

Any such order of the confirming authority may be enforced by mandamus.

(2) Any twelve or more ratepayers of the district shall have the like appeal under section sixteen of the principal Act as is given to the twelve or more ratepayers who have made the complaint to the medical officer of health mentioned in that section.

Amendment
of procedure
for confirm-
ing improve-
ment scheme.

5.—(1) Section seven of the principal Act shall have effect as if the words “in the month of September or October or November” were omitted from paragraph (a), and as if the words “during the thirty days next following the date of the last publication of the advertisement” were substituted for the words “during the month next following the month in which such advertisement is published” in paragraph (b).

(2) The order of a confirming authority under subsection four of section eight of the principal Act shall, notwithstanding anything in that section, take effect without confirmation by Parliament—

(a) if land is not proposed to be taken compulsorily; or

(b) if, although land is proposed to be taken compulsorily, the confirming authority before making the order are satisfied that notice of the draft order has been served as required as respects a Provisional Order by subsection five of the said section eight, and also that the draft order has been published in the London Gazette, and that a petition against the draft order has not been presented to the confirming authority by any owner of land proposed to be taken compulsorily within two months after the date of the publication and the service of notice, or, having been so presented, has been withdrawn.

(3) For the purposes of the principal Act, the making of an order by a confirming authority, which takes effect under this section without confirmation by Parliament, shall have the same effect as the confirmation of the order by Act of Parliament, and any reference to a Provisional Order, made under section eight of the principal Act, shall include a reference to an order which so takes effect without confirmation by Parliament.

Power to
modify
schemes in
certain cases.

6.—(1) If an order under subsection four of section eight or under section thirty-nine of the principal Act, which, if no petition were presented, would take effect without confirmation by Parliament, is petitioned against, the confirming authority or the Local Government Board, as the case may be, may, if they think fit, on the application of the local authority, make any modifications in the scheme to which the order relates for the purpose of meeting the objections of the petitioner and withdraw the order sanctioning the original scheme, substituting for it an order sanctioning the modified scheme.

(2) The same procedure shall be followed as to the publication and giving notices, and the same provisions shall apply as to the presentation of petitions and the effect of the order, in the case of the order sanctioning the modified scheme, as in the case of the order sanctioning the original scheme, but no petition shall be received or have any effect except one which was presented against the original order, or one which is concerned solely with the modifications made in the scheme as sanctioned by the new order.

Amendments
as to scheme
of recon-
struction.

7. Where a scheme for reconstruction under Part II. of the principal Act is made, neighbouring lands may be included in the area comprised in the scheme if the local authority under whose direction the scheme is made are of opinion that that inclusion is necessary for making their scheme efficient, but the provision of subsection two of section forty-one, as to the exclusion of any additional allowance in respect of compulsory purchase, shall not apply in the case of any land so included.

Amendments as to Closing Orders, Demolition, etc.

Amendment
of procedure
for closing
orders.

8.—(1) If in the opinion of the local authority any dwelling-house is not reasonably capable of being made fit for human habitation, or is in such a state that the occupation thereof should be immediately discontinued, it shall not be necessary for them before obtaining a closing order, to serve a notice on the owner or occupier of the premises to abate the nuisance, and a justice may issue a summons for a closing order and a closing order may be granted, although such a notice has not been served.

(2) The Local Government Board may by order prescribe forms in substitution for those in the Fourth Schedule to the principal Act, and section thirty-two of the principal Act shall have effect as if the forms so prescribed were referred to therein in lieu of the forms in that Schedule.

9. Where the amount realised by the sale of materials under section thirty-four of the principal Act is not sufficient to cover the expenses incident to the taking down and removal of a building, the local authority may recover the deficiency from the owner of the building as a civil debt in manner provided by the Summary Jurisdiction Acts, or under the provisions of the Public Health Acts relating to private improvement expenses. [*See the Summary Jurisdiction Act 1879, s. 35, and the Public Health Act 1875, ss. 213—215.*]

Power to
recover cost
of demolition.

10. Where default is made as respects any dwelling house in obeying a closing order in the manner provided by subsection three of section thirty-two of the principal Act, possession of the house may be obtained (without prejudice to the enforcement of any penalty under that provision), whatever may be the value or rent of the house, by or on behalf of the owner or local authority, either under sections one hundred and thirty-eight to one hundred and forty-five of the County Courts Act, 1888, or under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, and in either case may be obtained as if the owner or local authority were the landlord.

Recovery of
possession
from
occupying
tenants in
pursuance of
closing
orders.
51 & 52 Vict.
c. 43.
1 & 2 Vict.
c. 71.

Any expenses incurred by a local authority under this section may be recovered from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts. [*See the Summary Jurisdiction Act 1879, s. 35.*]

Miscellaneous.

11.—(1) Any power of the local authority under the Housing Acts, or under any scheme made in pursuance of any of those Acts, to provide dwelling accommodation or lodging-houses, shall include a power to provide and maintain, with the consent of the Local Government Board, and, if desired, jointly with any other person, in connection with any such dwelling accommodation or lodging-houses, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Local Government Board will serve a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation or lodging-houses are provided, and to raise money for the purpose, if necessary, by borrowing.

Powers in
connection
with pro-
vision of
dwelling
accommoda-
tion or
lodging-
houses.

(2) The Local Government Board may, in giving their consent to the provision of any land or building under this section, by order apply, with any necessary modifications, to such land or building any statutory provisions which would have been applicable thereto if the land or building had been provided under any enactment giving any local authority powers for the purpose.

12. Section seventy-five of the principal Act (which relates to the condition to be implied on letting houses for the working classes) shall, as respects any contract made after the passing of this Act, take effect notwithstanding any agreement to the contrary, and any such agreement made after the passing of this Act shall be void.

Condition
in contracts
for letting
houses for
the working
classes.

13.—(1) Any notice required to be served under Part II. of the principal Act upon an owner shall, notwithstanding anything in section forty-nine of that Act, be deemed to be sufficiently served if it is sent by post in a registered letter addressed to the owner or his agent at his usual or last known residence or place of business.

Service of
notices.

(2) Any document referred to in section eighty-seven of the principal Act shall be deemed to be sufficiently served upon the local authority if addressed to that authority or their clerk at the office of that authority and sent by post in a registered letter.

Special Provisions as to London.

Agreements between London County Council and metropolitan borough councils.

14. The council of a metropolitan borough may, if they think fit, pay or contribute towards the payment of any expenses of the London County Council under subsection five of section forty-six of the principal Act in connection with a scheme of reconstruction, and borrow any money required by them for the purpose under subsection two of the said section; but an order under subsection six shall not be necessary except in cases of disagreement between the county council and the council of the borough.

Provisions consequential on extension of period for repayment of loans.
32 & 33 Vict. c. 102.
18 & 19 Vict. c. 120.

15. For the purpose of carrying into effect the provisions of this Act as to the maximum period for which money may be borrowed, eighty years shall be substituted for sixty years in section twenty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and such sum as will be sufficient, with compound interest, to repay the money borrowed within such period, not exceeding eighty years, as may be sanctioned by the London County Council, shall be substituted for two pounds per cent. in section one hundred and ninety of the Metropolis Management Act, 1855.

Substitution of Secretary of State for Local Government Board.

16. The Secretary of State shall be substituted for the Local Government Board in the application to the administrative county of London of the provisions of the Schedule to this Act and of the provisions of this Act which require the consent of the Local Government Board to the exercise of additional powers given to a local authority by this Act in connection with the provision of dwelling accommodation or lodging-houses, until the powers and duties of the Secretary of State under those provisions are transferred to the Local Government Board in pursuance of this Act. [*See 53 & 54 Vict. c. 70, s. 8 and note thereon.*]

Supplemental.

Short title and extent.

17.—(1) This Act may be cited as the Housing of the Working Classes Act, 1903, and the Housing of the Working Classes Acts, 1890 to 1900, and this Act may be cited together as the Housing of the Working Classes Acts, 1890 to 1903.

(2) This Act shall not extend to Scotland or Ireland.

SCHEDULE.

Sections 3, 16.

(1) If in the administrative county of London or in any borough or urban district, or in any parish not within a borough or urban district, the undertakers have power to take under the enabling Act working-men's dwellings occupied by thirty or more persons belonging to the working class, the undertakers shall not enter on any such dwellings in that county, borough, urban district, or parish, until the Local Government Board have either approved of a housing scheme under this Schedule or have decided that such a scheme is not necessary.

For the purposes of this Schedule a house shall be considered a working-man's dwelling if wholly or partially occupied by a person belonging to the working classes, and for the purpose of determining whether a house is a working-man's dwelling or not, and also for determining the number of persons belonging to the working classes by whom any dwelling-houses are occupied, any occupation on or after the fifteenth day of December next before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act without the authority of an order, next before the date of the application to the Local Government Board under this Schedule, for their approval of or decision with respect to a housing scheme, shall be taken into consideration.

(2) The housing scheme shall make provision for the accommodation of such number of persons of the working class as is, in the opinion of the Local Government Board, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons of the working class displaced; and in calculating that number the Local Government Board shall take into consideration not only the persons of the working class who

are occupying the working-men's dwellings which the undertakers have power to take, but also any persons of the working class who, in the opinion of the Local Government Board, have been displaced within the previous five years in view of the acquisition of land by the undertakers.

(3) Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a Provisional Order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings, and to raise money for the purpose of the scheme as for the purposes of Part III of the principal Act, and for regulating the application of any money arising from the sale or disposal of the dwellings; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.

(4) The housing scheme shall provide that any lands acquired under that scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings for persons of the working class, except so far as the Local Government Board dispense with that appropriation; and every conveyance, demise, or lease of any such land shall be endorsed with notice of this provision, and the Local Government Board may require the insertion in the scheme of any provisions requiring a certain standard of dwelling-house to be erected under the scheme, or any conditions to be complied with as to the mode in which the dwelling-houses are to be erected.

(5) If the Local Government Board do not hold a local inquiry with reference to a housing scheme, they shall, before approving the scheme, send a copy of the draft scheme to every local authority, and shall consider any representation made within the time fixed by the Board by any such authority.

(6) The Local Government Board may, as a condition of their approval of a housing scheme, require that the new dwellings under the scheme, or some part of them, shall be completed and fit for occupation before possession is taken of any working-men's dwellings under the enabling Act.

(7) Before approving any scheme the Local Government Board may if they think fit require the undertakers to give such security as the Board consider proper for carrying the scheme into effect.

(8) The Local Government Board may hold such inquiries as they think fit for the purpose of their duties under this Schedule, and subsections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply for the purpose, and where the undertakers are not a local authority shall be applicable as if they were such an authority.

(9) If the undertakers enter on any working-men's dwelling in contravention of the provisions of this Schedule, or of any conditions of approval of the housing scheme made by the Local Government Board, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling:

Any such penalty shall be recoverable by the Local Government Board by action in the High Court, and shall be carried to and form part of the Consolidated Fund.

(10) If the undertakers fail to carry out any provision of the housing scheme, the Local Government Board may make such order as they think necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by mandamus.

(11) The Local Government Board may, on the application of the undertakers, modify any housing scheme which has been approved by them under this Schedule, and any modifications so made shall take effect as part of the scheme.

(12) For the purposes of this Schedule—

(a) The expression "undertakers" means any authority, company, or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act:

(b) The expression "enabling Act" means any Act of Parliament or Order under which the land is acquired:

(c) The expression "local authority" means the council of any administrative county and the district council of any county district, or, in London, the council of any metropolitan borough, in which in any case any houses in respect of which the re-housing scheme is made are situated, or in the case of the city the common council:

(d) The expression "dwelling" or "house" means any house or part of a house occupied as a separate dwelling:

- (e) The expression "working class" includes mechanics, artisans, labourers, and others working for wages: hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

5 EDWARD VII. A.D. 1905.

CHAPTER 22.

AN ACT TO GRANT MONEY FOR THE PURPOSE OF CERTAIN LOCAL LOANS OUT OF THE LOCAL LOANS FUND, AND FOR OTHER PURPOSES RELATING TO LOCAL LOANS. [11th August 1905.]

1—2. [*Appointment of Public Works Loan Commissioners for five years from 1st April 1906, and grants for public works.*]

Consolidation of loans to London School Board transferred to London County Council.
3 Edw. 7.
c. 24.

3. Whereas by the Education (London) Act, 1903, there has been transferred to the London County Council the liability for the repayment to the Public Works Loan Commissioners of all loans advanced by the Commissioners for the repayment whereof the London School Board were prior to the transfer liable:

And whereas a large proportion of those loans bear interest at the rate of three pounds ten shillings per cent. per annum, and are by the terms of the borrowing repayable by equal yearly or half-yearly instalments of principal or of principal and interest combined within periods which will expire at various dates in or between the years nineteen hundred and eight and nineteen hundred and twenty-nine:

And whereas the Commissioners and the London County Council desire to enter into such an agreement with respect to the repayment of the said loans as is herein-after mentioned, and it is expedient that they should be authorised to do so:

Therefore it shall be lawful for the Commissioners and the London County Council to enter into an agreement whereby the outstanding balances of such of the said loans as bear interest at three pounds ten shillings per cent. per annum shall be made repayable with interest at the rate aforesaid by equal yearly or half-yearly instalments within a period expiring on the thirty-first day of March nineteen hundred and twenty-six, and such an agreement shall have effect accordingly, notwithstanding anything contained in any Act, order, or sanction relating to the lending or borrowing of such loans, or any of them.

4. [*As to loans in Ireland and Scotland referred to in the Schedule.*]

Short title.

5. This Act may be cited as the Public Works Loans Act, 1905.

SCHEDULE. [*As to certain loans in Ireland and Scotland.*]

CHAPTER CXCVIII.

AN ACT TO CONFER FURTHER MONEY AND OTHER POWERS ON THE CONSERVATORS OF THE RIVER THAMES FOR THE DEEPENING WIDENING AND IMPROVEMENT OF ITS BED AND CHANNEL BETWEEN THE NORE AND GRAVESEND AND FOR OTHER PURPOSES. [11th August 1905.]

[*Preamble states (inter alia) that the Conservators of the River Thames (hereinafter referred to as "the Conservators") have under the Thames Conservancy Act 1894 (hereinafter referred to as "the Act of 1894") large powers of deepening, widening, and improving the bed and*

channel of the River Thames; and that it would be of public and local advantage if the bed and channel of the river were deepened and widened as provided by this Act between the Nore and Gravesend, but that the present resources of the Conservators are inadequate for that purpose.]

1. This Act may be cited as the Thames Conservancy Act 1905.

Short title.

2. Terms and expressions to which meanings are assigned by the Act Interpretation Act 1894 have in this Act (unless the context otherwise requires) the same respective meanings.

DEEPWATER CHANNEL.

3. It shall be the duty of the Conservators to proceed as soon as practicable to exercise and put in force their powers of dredging deepening widening and improving the bed and channel of the River Thames and the other powers conferred on them by sections 83 to 86 of the Act of 1894 so as to form a channel between the Nore and Gravesend not less than thirty feet deep at low water of ordinary spring tides and not less than one thousand feet wide throughout.

Provision for improving channel between the Nore and Gravesend.

4. The Conservators shall make compensation to all persons whose lands buildings river walls banks wharves piers or other works are damaged by or in consequence of any operations of the Conservators in connection with dredging or otherwise deepening widening or improving the bed and channels of the river between the Nore and Gravesend.

Saving in case of damage caused by dredging.

Any dispute or difference arising under this section shall be settled by arbitration under the Arbitration Act 1889.

For the purposes of this section the term "persons" shall include the Crown.

5. [Provision for the protection of the Commissioners of Sewers within the limits extending from Gravesend Bridge to Sheerness.]

6. [Provisions for the protection of the Commissioners of Sewers for Havering and other levels and the Commissioners of Sewers for Rainham and other levels.]

ADDITIONAL REVENUE POWERS.

7. Section 155 (Duties of tonnage in port of London) of the Act of 1894 shall be amended as follows (that is to say):—

Temporary increase of tonnage duties.

For a period of three years from the first day of January 1906 the Conservators may demand and receive one penny instead of one halfpenny per ton in respect of every such vessel as is mentioned in paragraph (1) of section 155 of the Act of 1894 and may demand and receive one penny and one halfpenny instead of three farthings per ton in respect of every such vessel as is mentioned in paragraph (2) of the same section:

Provided that nothing in this Act shall empower the Conservators to increase the existing dues on vessels under one hundred tons register which do not pass seawards of an imaginary straight line drawn from the pilot mark at the entrance of Havengore Creek in the county of Essex to the land's end at Warden Point in the isle of Sheppey in the county of Kent.

ADDITIONAL BORROWING POWERS.

8. [Power to the Conservators for the purpose of this Act to borrow on mortgage of the Lower Navigation Fund not exceeding £200,000.]

9. [Moneys borrowed for the costs, charges, and expenses of this Act to be repaid within five years from the passing thereof; and all other moneys borrowed under this Act to be repaid within not exceeding 50 years from the date of borrowing—Application to repayment of the provisions and methods prescribed by the Act of 1894 for the repayment of borrowed moneys.]

10. [Power to the Conservators for the purpose of raising any moneys which they are authorised to borrow under this Act to issue Thames Conservancy redeemable "A" debenture stock bearing interest at not exceeding 4 per cent. and redeemable after the expiration of one and the same period not exceeding 60 years from the first creation thereof.]

Charge of
debenture
stock.

11. All debenture stock created and issued under the authority of this Act together with the interest thereon shall be by virtue of this Act charged on the Lower Navigation Fund and shall rank *pari passu* with all Thames Conservancy redeemable "A" debenture stock authorised by the Act of 1894 which may be created and issued after the passing of this Act.

12. [Applying ss. 255—257 and ss. 262—284 of the Act of 1894 with necessary adaptations to moneys borrowed and stock created under this Act.]

13. [Power to mortgagees under this Act to enforce payment by the appointment of a receiver, provided that at least £10,000 is due to the mortgagees applying for a receiver.]

MISCELLANEOUS.

For protec-
tion of Com-
missioners of
Works.

14. All works of dredging and deepening carried out under this Act or under the Act of 1894 which are within fifty yards of any land tenement or hereditament of whatsoever nature belonging to the King's most Excellent Majesty in right of His Crown and under the management or control or direction of the Commissioners of Works or vested for any estate or interest in or in the occupation of the said Commissioners under or by virtue of the provisions of any Act of Parliament or otherwise shall be executed under the supervision of and in accordance with plans approved by an engineer to be appointed by the said Commissioners who may determine the maximum depth below Trinity high-water mark to which any such works may be carried.

Costs of Act.

15. [As to the expenses of this Act.]

7 EDWARD VII. A.D. 1907.

CHAPTER 33.

AN ACT TO AMEND THE LAW RELATING TO THE CAPACITY OF WOMEN TO BE ELECTED AND ACT AS MEMBERS OF COUNTY OR BOROUGH COUNCILS.
[28th August 1907.]

Provision as
to capacity
of women to
be county
or borough
councillors
or aldermen.
62 & 63 Vict.
c. 14.

1.—(1) A woman shall not be disqualified by sex or marriage for being elected or being a councillor or alderman of the council of any county or borough (including a metropolitan borough):

Provided that a woman if elected as chairman of a county council or mayor of a borough shall not by virtue of holding or having held that office be a Justice of the Peace.

(2) The words "provided that no woman shall be eligible for any such office" in subsection (1) of section two of the London Government Act, 1899, are hereby repealed.

Short title
and extent.

2.—(1) This Act may be cited as the Qualification of Women (County and Borough Councils) Act, 1907.

(2) This Act shall not extend to Scotland or Ireland.

CHAPTER 43.

AN ACT TO MAKE PROVISION FOR THE BETTER ADMINISTRATION BY THE CENTRAL AND LOCAL AUTHORITIES IN ENGLAND AND WALES OF THE ENACTMENTS RELATING TO EDUCATION. [28th August 1907.]

1.—(1) A local education authority shall have the same power, Purchase and appropriation of land, exercisable in the same manner, and subject to the same provisions, for the purchase of land either compulsorily or by agreement for the purposes of Part II. of the Education Act, 1902, as they have under the Education Acts for the purposes of Part III. of that Act, but the powers given by this section shall be in addition to and not in derogation of any other powers for the purpose possessed by the authority. 2 Edw. 7. c. 12.

(2) A local education authority may—

- (i) appropriate, with the consent of the Board of Education, for the purpose of Part II. of the Education Act, 1902, any land acquired by them for the purposes of Part III. of the Education Act, 1902, or taken over by them under that Act as successors of a school board; and
- (ii) appropriate, with the consent of the Board of Education, for the purposes of Part III. of the Education Act, 1902, any land acquired by them for the purpose of Part II. of the Education Act, 1902, either under that Act, or for similar purposes under any Act repealed by that Act; and
- (iii) appropriate, with the consent of and after inquiry by the Local Government Board, for any of the purposes of the Education Acts, any land acquired by them otherwise than in their capacity as local education authority;

(3) [*Provisions as to non-county boroughs and urban districts not applicable to London.*]

(4) The appropriation of land by a local education authority or a council under this section shall be subject in any case to any special covenants or agreements affecting the use of the land in their hands.

(5) Where the capital expenditure in connection with any land appropriated under this section or any loan for the purpose of repaying that expenditure or any part of that expenditure or loan has been, or is charged on, or raised within, any special part of the area of the local education authority or council, and the Board of Education or, in the case of land appropriated under this section and not acquired for any of the purposes of the Education Acts, the Local Government Board are of opinion that the use of the land for the purposes for which it is appropriated will alter the area benefited by the expenditure, the Board of Education, or the Local Government Board, as the case requires, shall order such equitable adjustment in respect thereof to be made as they think right under the circumstances, and the local education authority or council shall comply with any order so made.

(6) A council shall have power, with the consent of and after inquiry by the Board of Education, to alienate any land acquired or held by them for the purposes of education other than elementary under Part II. of the Education Act, 1902, and, in the case of the sale of any such land, the proceeds of sale shall be applied in such manner as the Local Government Board sanction, towards the discharge of any loan of the council under the Education Acts, or otherwise for any purpose for which capital may be applied by the council under those Acts.

2. The consent of the Board of Education shall be substituted for the consent of the Secretary of State for the Home Department in cases where the consent of the said Secretary of State is required under section fourteen of the School Sites Act, 1841, and section one of the School Grants Act, 1855 (which relate to sales, exchange, or mortgages of school premises).

substitution, in certain cases, of consent of Board of Education for consent of Home Secretary. 4 & 5 Vict. c. 38. 18 & 19 Vict. c. 131.

Extension of period for repayment of money borrowed by county council.

51 & 52 Vict. c. 41.

Power of county council to contribute towards capital expenditure incurred by non-county boroughs or urban districts within their county for the purposes of higher education.

Decision of questions as to capital expenditure.

Audit of accounts of joint educational bodies.

33 & 34 Vict. c. 75.

Power to provide for apportionment of expenses in a scheme constituting a joint education committee.

Borrowing from Public Works Loan Commissioners.

Amendment of s. 7 of 56 & 57 Vict. c. 42.

3. In the application of section sixty-nine of the Local Government Act, 1888, to money borrowed after the passing of this Act under the Education Acts by the council of a county, a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the maximum period within which borrowed money is to be repaid, and any money reborrowed for the purpose of discharging a loan raised for the purposes of the Education Acts may, if the Local Government Board approve, and subject to such conditions as they impose, be repaid within such period, not exceeding sixty years from the date of the original loan, as the Local Government Board fix.

4.—(1) In the exercise of their powers and duties under section two of the Education Act, 1902, a county council shall have power and at all times since the commencement of that Act shall be deemed to have had power to agree with the council of any non-county borough or urban district within their area for the payment to that last-mentioned council of a contribution towards the capital expenditure incurred by them in respect of education other than elementary to such an amount and in such instalments and for such period and subject to such conditions as may be specified in the agreement.

(2) Where any such agreement is made the contribution agreed to be paid by the county council shall, for the purposes of section nineteen of the Education Act, 1902, form part of the security on which money may be borrowed by the council of the non-county borough or urban district under that section.

5. If the Local Government Board by order declare that expenses incurred for particular purposes specified in the order may or may not be properly treated under section eighteen of the Education Act, 1902, as expenses incurred in respect of capital expenditure, no question shall be raised on audit as to the treatment of expenses incurred for those particular purposes if they are treated in accordance with the order.

6. Where any receipts or payments of money under the Education Acts are entrusted to any joint education committee established under section seventeen of the Education Act, 1902, or to any joint body established under section fifty-two of the Elementary Education Act, 1870, or otherwise established by two or more local authorities, the accounts of those receipts and payments shall, unless in any case the Local Government Board direct to the contrary, or any provisions to the contrary which have been approved by the Local Government Board are contained in the scheme or instrument establishing the committee or body, be audited as if the joint committee or body were a separate local education authority, and the enactments relating to the audit of the accounts of local education authorities (including the penal provisions of those enactments) shall apply accordingly.

7. A scheme providing for the constitution of a joint education committee under subsection (5) of section seventeen of the Education Act, 1902, may make provision for the proportions in which any expenditure on matters referred or delegated to that committee is to be borne as between the councils of the counties, boroughs, or urban districts, or parts thereof forming the area for which the joint committee is constituted.

8. The Public Works Loan Commissioners may lend to a local education authority any money which that authority are authorised to borrow for the purposes of Part II. of the Education Act, 1902.

9. The condition that the annual expenses of the maintenance of a school not managed by a school authority are, to the extent of not less than one third, to be defrayed out of sources other than local rates or moneys provided by Parliament, shall cease to be a condition required for the grant of a certificate under section seven of the Elementary Education (Blind and Deaf Children) Act, 1893, to such a school as a school suitable for providing elementary education for blind or deaf children.

10. If any question arises whether any purpose for which a council wish to exercise any powers under the Education Acts is a purpose of Part II. of the Education Act, 1902, or of Part III. of that Act, that question shall be referred to and determined by the Board of Education, and their decision shall be conclusive on the matter.

Decision of certain educational questions by Board of Education.

11. The powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include a power to aid by scholarships or bursaries the instruction in public elementary schools of scholars from the age of twelve up to the limit of age fixed for the provision of instruction in a public elementary school by subsection two of section twenty-two of that Act.

Provisions with respect to scholarships, bursaries, etc.

12. It is hereby declared that any power of a council under the Education Act, 1902, to supply or aid the supply of education other than elementary is not confined to the education of persons resident in their area and the words "ordinarily resident in the area of the council," in subsection (2) of section twenty-three of the Education Act, 1902, are hereby repealed.

Higher education powers not confined to persons resident in area.

13.—(1) The powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include—

Provisions as to vacation schools.

(a) power to provide, for children attending a public elementary school, vacation schools, vacation classes, play-centres, or other means of recreation during their holidays or at such other times as the local education authority may prescribe, in the schoolhouse or in some other suitable place in the vicinity, so far as the local education authority, in the case of a schoolhouse or place not belonging to them, can obtain for the purpose the use of the schoolhouse or place; and

health of school children, etc. in elementary schools.

(b) the duty to provide for the medical inspection of children immediately before or at the time of or as soon as possible after their admission to a public elementary school, and on such other occasions as the Board of Education direct, and the power to make such arrangements as may be sanctioned by the Board of Education for attending to the health and physical condition of the children educated in public elementary schools:

Provided that in any exercise of powers under this section, the local education authority may encourage and assist the establishment or continuance of voluntary agencies, and associate with itself representatives of voluntary associations for the purpose.

(2) This section shall come into operation on the first day of January nineteen hundred and eight.

14.—(1) When a local education authority provide suitable means of conveyance for a child between a reasonable distance of its home and a public elementary school, it shall not be a reasonable excuse for the purposes of section seventy-four of the Elementary Education Act, 1870, or section eleven of the Elementary Education Act, 1876, or a ground of exemption for the purposes of section nine of the latter Act, that there is no public elementary school open which such child can attend within the distance of its residence prescribed by those sections or by any bylaw made under section seventy four of the Elementary Education Act, 1870.

Distance from school no excuse for non-attendance when conveyance is provided.
30 & 40 Vict. c. 79.

[Part omitted not applicable to London.]

15. Every council having powers under Part II. of the Education Act, 1902, shall give to the Board of Education such information with respect to the exercise of those powers as the Board may from time to time require.

Returns by councils having powers under Part II. of the Education Act, 1902.

16.—(1) Any obligation to frame, form, or keep a register of teachers under paragraph (a) of section four of the Board of Education Act, 1899, shall cease: Provided that it shall be lawful for His Majesty by Order in Council to constitute a registration council representative of the teaching profession, to whom shall be assigned the duty of forming and keeping

Register of teachers.
62 & 63 Vict. c. 33.

a register of such teachers as satisfy the conditions of registration established by the Council for the time being, and who apply to be registered.

(2) The register shall contain the names and addresses of all registered teachers in alphabetical order in one column, together with the date of their registration, and such further statement as regards their attainments, training, and experience as the council may from time to time determine that it is desirable to set forth.

(3) Any Order in Council under this section may be revoked, altered, or added to by any subsequent Order.

(4) Such provision shall be made by Order in Council under this section as may appear necessary or expedient for transferring any funds or property held by the existing Teachers' Registration Council to the Registration Council to be constituted under this section and for winding up the business of the existing council and thereafter dissolving the council.

(5) The existing Teachers' Registration Council means the Teachers' Registration Council established by Order in Council made under paragraph (a) of section four of the Board of Education Act, 1899.

Repeal, short
title, and
construction.

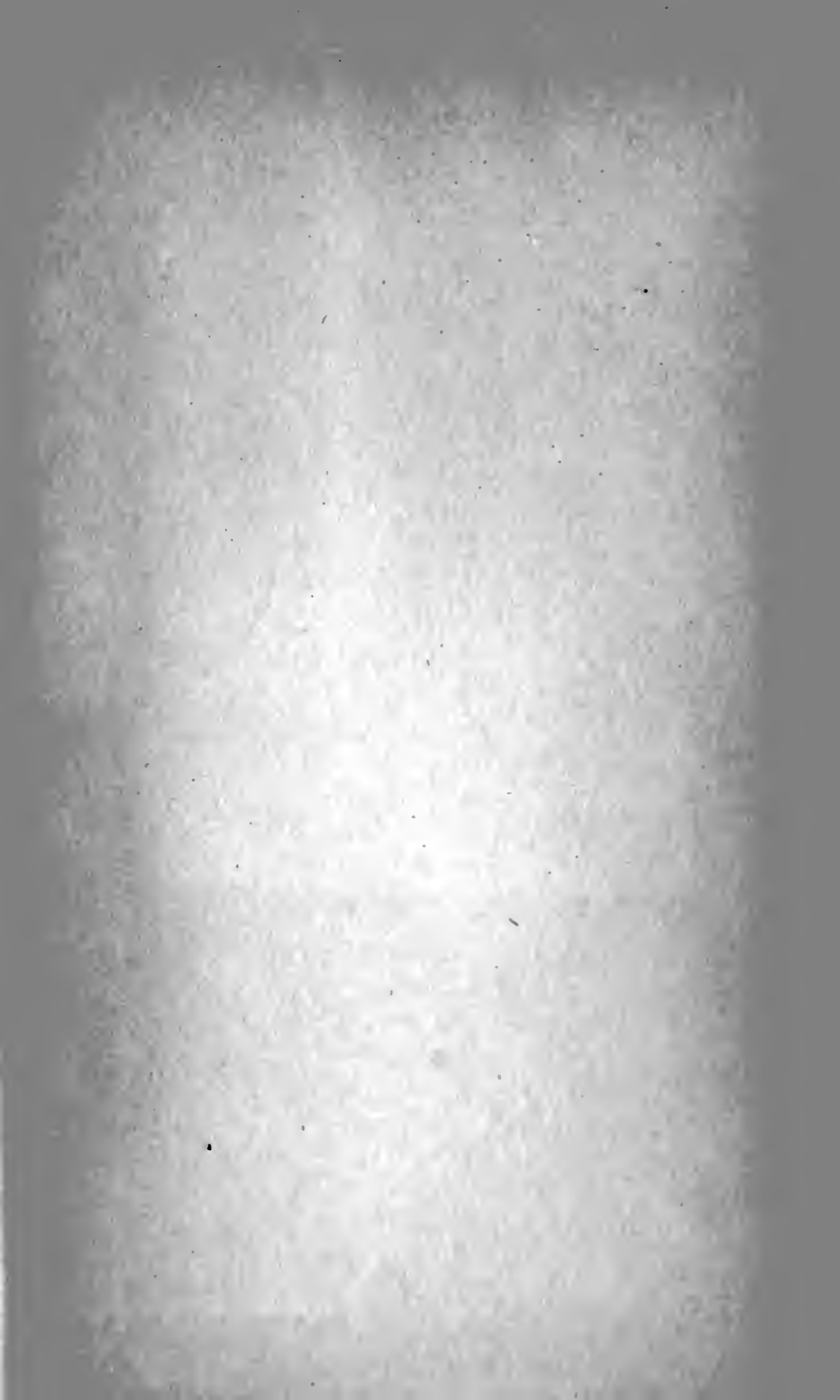
17.—(1) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) This Act may be cited as the Education (Administrative Provisions) Act, 1907, and shall be construed as one with the Education Acts, 1870 to 1903, and those Acts and this Act are in this Act referred to as the Education Acts, and may be cited as the Education Acts, 1870 to 1907.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	The words "to the extent of not less than one third defrayed out of sources other than local rates or moneys provided by Parliament and are," in paragraph (b) of subsection (1) of section seven.
62 & 63 Vict. c. 33.	The Board of Education Act, 1899.	Paragraph (a) of section four.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section five.
2 Edw. 7. c. 42.	The Education Act, 1902.	The words "ordinarily resident in the area of the council," in subsection two of section twenty-three.



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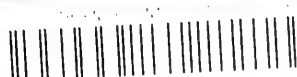
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